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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.8485 of 2018

Kannan ... Petitioner

vs.

1. The District Collector,
   Trichy District.

2. The Tahsildhar,
   Srirangam Taluk,
   Trichy District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to grant patta in the petitioner favour in respect of the petitioner property comprised in Survey No. 298, Door No.3/61 situated at Fathima Nagar, Sethurapatti, Trichy District on the basis of the petitioner representation dated 21.03.2018.

For Petitioner : Mr.B.Jameel Arasu
For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

O R D E R

Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, takes notice for the respondents.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the grievance of the petitioner that his representation dated 21.03.2018 seeking to grant patta in his favour in respect of his property comprised in Survey No. 298, Door No.3/61 situated at Fathima Nagar, Sethurapatti, Trichy District, has not been considered by the respondents till date and therefore, he has filed the present writ petition.

4. The learned Additional Government Pleader submitted that the land has been classified as 'Punjai Tharisu' and as such the petitioner would not have grant of patta. It is needless to point

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out that if at all the respondents are of the view that the petitioner is not entitled for patta, it is always open to the respondents to give reply to the petitioner's representation and as such it cannot be justified in keeping the petitioner's representation indefinitely.

5. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

6. In view of the limited prayer sought for in this writ petition, there shall be a direction to the second respondent to consider the petitioner's representation dated 21.03.2018 on its own merits and take further action in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner as well as to the persons who may be interested in the subject property.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(Crl.Side)

/TRUE COPY/

Sub Assistant Registrar

To:

1. The District Collector,
Trichy District.

2. The Tahsildhar,
Srirangam Taluk,
Trichy District.

+1. C.C. to M/S.B.JAMEEL ARASU, Advocate SR.No.62274.

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