



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.8563 of 2018

Pandian

... Petitioner

vs.

1.The District Collector
Karur District, Karur

2.The District Revenue Officer
Karur District, Karur

3.The Thasildar
Kulithalai Taluk, Karur District

4.Appanayakar

5.Gopalakrishnan

6.Vijayakumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to dispose of the representation of the petitioner dated 26.02.2018 seeking rectification in UDR Patta including the petitioner and other legal heir of Perumal Nayakar, S/o.Late.Sethal Nayakar by deleting the name of the fourth respondent and consequently direct the third respondent not to mutate patta in favour of the sixth respondent till the disposal of the representation of the petitioner dated 26.02.2018 in respect of S.F.No.1073/1 to an extent of 1 Acre 5 Cents of land situated at Sembiyanatham Village, Kadavur Taluk, Karur District.

For Petitioner : Mr.S.Gokulraj

For Respondents: Mr.J.Gunaseelan Muthiah

Addl. Govt. Pleader for R1 to R3

O R D E R

Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, takes notice for the respondents 1 to 3. Notice to the respondents 4 to 6 is dispensed with in view of nature of the order to be passed by this Court.



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 26.02.2018 seeking to rectify UDR Patta by including his name and the name of the legal heirs of Perumal Nayakar and by deleting the name of the fourth respondent in the Patta and consequently to direct the third respondent not to mutate patta in favour of the sixth respondent till the disposal of his representation, in respect of the property comprised in S.F.No.1073/1, measuring an extent of 1 Acre 5 Cents of Sembiyanatham Village, Kadavur Taluk, Karur District, has not been considered by the respondents 1 to 3 till date and therefore, he has filed the present writ petition.

4. 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.

5. 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 26.02.2018 on its own merits and take further action in accordance with law, within a period of six 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 respondents 4 to 6 and any other person who may be interested in the subject matter. In the meantime, the petitioner is directed to give a copy of the representation, dated 26.02.2018, to the second respondent.

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

Sd/

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To:

1.The District Collector,
Karur District, Karur.



2.The District Revenue Officer,
Karur District, Karur.

3.The Thasildar,
Kulithalai Taluk,
Karur District.

+1cc to Mr.S.GOKULRAJ, Advocate, SR.No. 62232
+1cc to M/s.Special Government Pleader,SR.No.62522

W.P. (MD) No.8563 of 2018
19.04.2018

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KK/RSK/15.05.2018/SAR-1/3P-6C