



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH**W.P. (MD) No. 9298 of 2018**

S.Chinna Karuppa Samy

... Petitioner

vs.

1. The District Revenue Officer,
Tenkasi, Tirunelveli District.
2. The Village Administrative Officer,
Oothumalai Village, (now in North Kavalakurichi Village)
V.K. Pudur Taluk, Tirunelveli District.
3. S.Karuppasamy
4. The Revenue Divisional Officer
Tenkasi, Tirunelveli District
(R4 suo motu impleaded vide order dt.25.04.2018)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to pass final order and to communicate the same to me in his proceedings in ~~21.4.9444/2014~~ நாள். 26.12.2018 in respect of change of patta in survey No. 153/3 instead of Survey No.353/13 and Survey No.154/1 instead of Survey No.184/1 situated in Oothumalai Village, Veerakeralampudur Taluk, Tenkasi, Tirunelveli and rectify the same by considering the petitioner's representation dated 08.08.2017

For Petitioner : Mr..A.Haja Mohideen

For Respondents

No.1,2 and 4: Mr.N.Shanmuga Selvam

Additional Government Pleader

O R D E R

Mr.N.Shanmuga Selvam, learned Additional Government Pleader, takes notice for the respondents 1 and 2. Notice to the third respondent 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. Since the authority passed final order in appeal to change of patta is the Revenue Divisional Officer, Tenkasi, the said authority is *suo motu* impleaded as party respondent.

4. It is the grievance of the petitioner that his representation dated 26.12.2016 seeking to change of patta has not been considered by the RDO Tenkasi till date and therefore, he has filed the present writ petition.

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 RDO, Tenkasi to consider the petitioner's representation dated 26.12.2018 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 third respondent and any other persons who may be interested in the subject matter.

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

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

1. The District Revenue Officer,
Tenkasi, Tirunelveli District.

2. The Village Administrative Officer,
Othumanthi Village, (now in North Kavalakurichi Village)
V.K. Pudur Taluk, Tirunelveli District.



3. The Revenue Divisional Officer
Tenkasi, Tirunelveli District.

+1 cc to Mr.A.Haja mohideen, Advocate IN SR No.63467

WEB COPY

W.P.(MD) No. 9298 of 2018
25.04.2018

aav

PK/CSL/SAR-4/01.06.2018 : 3P/5C