



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2018

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THE HONOURABLE MR. JUSTICE M. S. RAMESHW.P. (MD) No. 10219 of 2018

R.Selvam

: Petitioner

Vs.

1. The District Revenue Officer,
Theni District, Theni.

2. The Revenue Divisional Officer,
Uthamapalayam Division,
Theni District.

3. The Tahsildar,
Uthamapalayam Taluk,
Theni District.

4. The Sub Registrar,
Uthamapalayam Registration Office,
Theni District.

5. Madasamy Kudumban

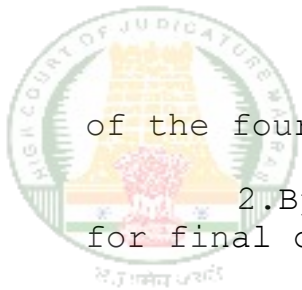
: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to consider the cancellation of patta issued in the name of Madasamy Kudumban / 5th respondent herein in respect of the property comprised in S.No.224/4 Chinna Ovulapuram Village, Uthamapalayam Taluk, Theni District by considering the petitioner's representation dated 26.02.2018.

For Petitioner	: Mr.B.Karuppasamy
For R1 to R3	: Mr.J.Gunaseelan Muthiah, Additional Government Pleader.
For R4	: Mr.Murugan, Government Advocate.

ORDER

Heard Mr.B.Karuppasamy, learned counsel appearing for the petitioner, Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, who takes notice on behalf of the respondents 1 to 3 and Mr.Murugan, learned Government Advocate, who takes notice on behalf



of the fourth respondent.

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 cancellation of patta granted in favour of the fifth respondent has not been considered by the respondents 1 to 4 till date and therefore, 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 other. Non consideration of the same would amount to dereliction of their ordinary duties of their office and as such this Court would be justified in invoking its powers 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, conduct an enquiry and take further action in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. Such an exercise shall be done, after giving due opportunity to the fifth respondent as well as any other persons, who may be interested in the subject properties.

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

Sd/-

Assistant Registrar (CS-I)

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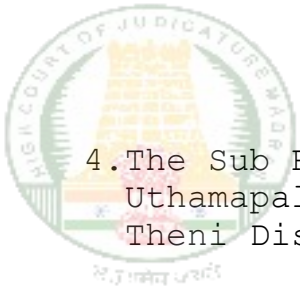
Sub Assistant Registrar

To

1. The District Revenue Officer,
Theni District,
Theni.

2. The Revenue Divisional Officer,
Uthamapalayam Division,
Theni District.

3. The Tahsildar,
Uthamapalayam Taluk,
Theni District.



4.The Sub Registrar,
Uthamapalayam Registration Office,
Theni District.

+1CC to Mr.B.Karuppasamy, Advocate in SR.NO.64672,

+1CC to Special Government Pleader in SR.No.65021.

MYR

DS/RSK-SKN/SAR-4 :28.05.2018: 3P/7C

W.P. (MD) No.10219 of 2018
28.04.2018