



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.15095 of 2018

and

W.M.P.(MD).No.13672 of 2018

M.Kaviya

... Petitioner

vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The District Revenue Divisional Officer,
Thoothukudi, Thoothukudi District.

3.The Tahsildar,
Kovilpatti Taluk,
Kovilpatti, Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing these respondents to mutate this petitioner's name as the pattadar's name, under Patta Passbook Act and the Revenue Standing Orders, for S.No.516/2A2 for 1.47.50 hecs of lands, in Patta No.1007 in Eluppaiyoorani Village, Kovilpatti Taluk, in Thoothukudi District.

For Petitioner : Mr.F.X.Eugene

For Respondents : Mr.N.Shanmuga Selvam
Additional Government Pleader

ORDER

Mr.N.Shanmuga Selvam, 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 her representation dated 16.04.2018, seeking to mutate this petitioner's name as the pattadar's name, under Patta Passbook Act and the Revenue Standing Orders, for S.No.516/2A2 for 1.47.50 hecs of lands, in Patta No.1007 in Eluppaiyoorani Village, Kovilpatti Taluk, in Thoothukudi District, has not been considered by the respondents till date and therefore, she 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 an application 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 third respondent to consider the petitioner's representation dated 16.04.2018 on its own merits and take further action in accordance with law, within a period of 8 weeks from the date of receipt of a copy of this order. Such an exercise shall be done after conducting enquiry and giving due opportunity to the petitioner as well as to any other persons who may be interested in the subject matter.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(W)

/True copy/

Sub Assistant Registrar(CS-III)

To:

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The District Revenue Divisional Officer,
Thoothukudi, Thoothukudi District.
- 3.The Tahsildar,
Kovilpatti Taluk,
Kovilpatti, Thoothukudi District.

+1cc to Mr.F.X.Eugene, Advocate, SR.No.72564.

W.P.(MD) No.15095 of 2018

and

W.M.P.(MD) .No.13672 of 2018

12.07.2018

SJI