



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P.(MD)No.15561 of 2018

Sengaiammal

... Petitioner

Vs.

1.The District Collector,
Madurai.

2.The Thasildar,
Vadipatti Taluk,
Vadipatti,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 2nd respondent to change the patta in petitioner's name as per the registered will relating to the property comprised in Survey No.58/1 to an extent of 2 acres 10 cents Nanja land situated at Chinnaelanthaikulam Village, Vadipatti Taluk, Alanganallur Sub Division, Madurai District based on the representation dated 17.02.2017 within a time frame as fixed by this Court.

For Petitioner : Mr.S.Alagusundar
For Respondents : Mr.V.Anand
Government Advocate

ORDER

Mr.V.Anand, learned Government Advocate, 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 17.02.2017 seeking to change the patta in the name of the petitioner as per the registered will with regard to the property comprised in Survey No.58/1 has not been considered by the respondents 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 17.02.2017 on its own merits 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 made, after giving notice to the petitioner and any other persons, who may be interested in the subject property.

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

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The District Collector,
Madurai District.

2. The Thasildar,
Vadipatti Taluk,
Vadipatti,
Madurai District.

+1cc to M/S.S. Alagusundar, Advocate SR.No. 73697

W.P. (MD) No. 15561 of 2018
18.07.2018

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JM/SKN RSK/SAR 2/31.07.2018/2P/4C