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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.15844 of 2018

and

WMP (MD) No.14180 of 2018

Chitra

... Petitioner

vs.

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
3. The Tahsildar,
Thirupathur Taluk,
Sivagangai District.
4. The Taluk Surveyor,
Taluk Office,
Thirupathur,
Sivagangai District.
5. S.Sundarajan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents to consider the petitioner's representation dated 11.07.2018 and thereby issue patta in favour of the petitioner's land in Survey No.222/2 of an extent of 1 Acre 2 cents situated at Thirukostiur Village, Sivagangai District.

For Petitioner : Mr.V.Manikandan
For R1 to R4 : Mr.J.Gunaseelanmuthiah
Additional Government Pleader

O R D E R

Mr.J.Gunaseelanmuthiah, learned Additional Government Pleader, takes notice for the respondents 1 to 4. Notice to the fifth 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. It is the grievance of the petitioner that her representation dated 11.07.2018 seeking to issue of patta in favour of the petitioner, has not been considered by the respondents, till date and therefore, she has filed the present writ petition.

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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 third respondent to consider the petitioner's representation dated 11.07.2018 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 conducting enquiry and giving due opportunity to the petitioner as well as to the fifth respondent and any other persons who may be interested in the subject matter.

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

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(SAR-IV)

To:

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
3. The Tahsildar,
Thirupathur Taluk,
Sivagangai District.



4. The Taluk Surveyor,
Taluk Office,
Thirupathur,
Sivagangai District.

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+1cc to Mr.V.Manikandan, Advocate Sr.No.74316
+1cc to Spl.Government Pleader Sr.No.74360

PNN

VB/RP/SAR4/24.07.2018/3P/7C

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and
W.M.P. (MD) No.14180 of 2018
20.07.2018