



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.16310 of 2018

WEB COPY

Pitchammal

... Petitioner

vs.

1. The District Revenue Officer
Tirunelveli District
Tirunelveli

2. The Tahsildar
Manoor Taluk Office
Tirunelveli District

3. The Deputy Tahsildar
Manoor Taluk Office
Tirunelveli District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the second respondent to cancel the UDR Patta in the name of common pathway and issue Patta in the petitioner's favour with regard to lands in Survey No.366/1A5 to the extent of 1-1/2 cents in Kanarpatti Village, Tirunelveli Taluk, Tirunelveli District, based on the petitioner's representation, dated 17.10.2017.

For Petitioner : Mr.D.Anbarasu

For Respondents : Mr.V.Anand

Government Advocate

O R D E R

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 her representation dated 17.10.2017 seeking for issuance of Patta in her name in respect of the property comprised in Survey No.366/1A5, measuring an extent of 1-1/2 Cents of Kanarpatti Village, Tirunelveli Taluk, Tirunelveli District, by cancelling the UDR Patta, wherein the the said property has been shown as common pathway, 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 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 first respondent to consider the petitioner's representation dated 17.10.2017 on its own merits and take further action in accordance with law, within a period of three months 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 persons who may be interested in the subject matter.

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

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The District Revenue Officer,
Tirunelveli District,
Tirunelveli.
2. The Tahsildar,
Manoor Taluk Office,
Tirunelveli District.
3. The Deputy Tahsildar,
Manoor Taluk Office,
Tirunelveli District.

+1cc to Mr.D.Anbarasu, Advocate SR.No.75085
+1cc to SPECIAL GOVERNMENT PLEADER, SR.No.75339

KRK

MK/RP/SAR 2/23.08.2018/2P/6C