



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.16442 of 2018

and

W.M.P (MD) Nos.14588 and 14589 of 2018

V.Sathiyamoorthy

... Petitioner

vs.

1. The District Collector
Dindigul District
Dindigul
2. The District Revenue Officer
Collectorate
Dindigul District
3. The Revenue Divisional Officer
Sub- Collector Road
Dindigul
4. The Tahsildar
Taluk Office
Natham, Dindigul District.
5. The Head Surveyor
Natham Taluk, Dindigul District.
6. Dhanapal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents 1 to 5 herein to take appropriate action against the sixth respondent to cancel the patta No.4316 comprised in Survey No.914, 952 including sub divisions situated at Karuthanaickenpatti Village, Natham Taluk Dindigul District on the basis of the petitioner's representation dated 11.07.2018 in connection with appeal in A.S.S.R No.137/2018 pending on the file of the learned Sub Court, Dindigul.

For Petitioner : Mr.S.Sivakumar

For Respondents

No.1 to 5

: Mr.V.Anand

Government Advocate

ORDER

Mr.V.Anand learned Government Advocate, takes notice for the respondents 1 to 5. Notice to the sixth 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 his representation dated 11.07.2018 directing the respondents 1 to 5 herein to take appropriate action against the sixth respondent to cancel the patta No.4316 comprised in Survey No.914, 952 including sub divisions situated at Karuthanaickenpatti Village, Natham Taluk Dindigul District, has not been considered by the third respondent till date and therefore, he 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 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 sixth 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 petitions are closed.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS-III)

To:

1. The District Collector
Dindigul District
Dindigul

2. The District Revenue Officer
Collectorate
Dindigul District



3. The Revenue Divisional Officer
Sub-Collector Road
Dindigul

4. The Tahsildar
Taluk Office
Natham, Dindigul District.

5. The Head Surveyor
Natham Taluk, Dindigul District.

+1CC to Mr.S.Sivakumar, Advocate, SR.No.75130

+1CC to the Special Government Pleader SR.No. 75634

W.P.(MD) No.16442 of 2018

and

W.M.P(MD) Nos.14588 and 14589 of 2018

26.07.2018

AAV

ES/SKN/RSK/SAR 3/09.08.2018/3P/8C