

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 26.07.2018****CORAM:****THE HONOURABLE MR.JUSTICE M.S.RAMESH****W.P. (MD) No.16479 of 2018****and****W.M.P. (MD) .No.14612 of 2018**

V.Kannan

... Petitioner

vs.

1. The District Collector,
Thanjavur District, Thanjavur.

2. The Commissioner,
Thanjavur Municipal Corporation,
Thanjavur.

3. The Tahsildhar,
Thanjavur Taluk Office,
Thanjavur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to grant house site patta to the petitioner in respect of his house in the land comprised in T.S.No.717 situated at East Rampart (Agali Mel Karai) Thanjavur Town, Thanjavur District, as per the G.O.Ms.No.168, dated 27.03.2000 and G.O.Ms.No.854 dated 30.12.2006.

For Petitioner : Mr.V.S.Kumaraguru

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 his representation dated 26.06.2018, seeking for issuance of patta in respect of his house in the land comprised in T.S.No.717 situated at East Rampart (Agali Mel Karai) Thanjavur Town, Thanjavur District, has not been considered by the respondents 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 first respondent to consider the petitioner's representation dated 26.06.2018, on its own merits in accordance with law, within a period of three months from the date of receipt of a copy of this order. The petitioner also claims that he is in possession of the property for more than 15 years and in support of the same, he has produced the property tax fixed as water tax and electricity bill receipts along with the voter's list. The respondents shall not take any coercive action to the petitioner's subject property, till the disposal of the representation. Such an exercise shall be done after giving due opportunity to the petitioner and 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(crl side)

/True Copy/

Sub Assistant Registrar(CS-I)

To:

1. The District Collector,
Thanjavur District, Thanjavur.
2. The Commissioner,
Thanjavur Municipal Corporation,
Thanjavur.
3. The Tahsildhar,
Thanjavur Taluk Office,
Thanjavur.

+1cc to Mr.V.S.Kumaraguru, Advocate Sr.No.75197

+1cc to Spl.Government Pleader Sr.No.75637

SJI

VB/KAK/SAR1/07/08/2018/2P/6C

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W.M.P.(MD) No.14612 of 2018
26.07.2018