



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.16499 of 2018

M.Velu

... Petitioner

vs.

1. The District Collector,
Office of the District Collector,
Sivagangai District.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sivagangai District.
3. The Tahsildhar,
Thiruppuvanam Taluk,
Sivagangai District.
4. Kallanai
5. Ramayee
6. The Sub-Registrar,
Office of the Sub-Registration Department,
Thiruppuvanam,
Sivagangai 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 consider the petitioner's appeal dated 16.11.2015 within a time frame that may be stipulated by this Court and directing the second respondent to cancel the patta against the third and fourth respondents groups encroached in classification of Cart Track Tharisu in Survey No.87/4 and Sub Division in Survey No.87/4A, 4B1, 4B2, 4C1, 4C2 and patta No.1046, 824, 1162, 1164, 810 on the file of the Melopoovanthi Village, Thiruppuvanam Taluk, Sivagangai District.

For Petitioner : Mr.R.Udhayakumar

For R-1 to R-3 : Mr.J.Gunaseelanmuthiah
Additional Government Pleader

For R-6 : Mr.M.Murugan

Government Advocate

**ORDER**

Mr.J.Gunaseelanmuthiah, learned Additional Government Pleader, takes notice for the respondents 1 to 3. Mr.M.Murugan, learned Government Advocate takes notice for the sixth respondent. Notice to the respondents 4 and 5 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 appeal dated 16.11.2015, seeks to cancel the patta against the third and fourth respondents encroached in classification of Cart Track Tharisu in Survey No.87/4 and Sub division in Survey No.87/4A, 4B1, 4B2, 4C1, 4C2 and Patta No.1046, 824, 1162, 1164, 810, has not been disposed by the respondents 1 to 3 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 second respondent to consider the petitioner's appeal dated 16.11.2015, 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 fourth and fifth respondents 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.

Sd/-

Assistant Registrar (Cr1.side)

/True Copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar (CS-IV)



To:

1. The District Collector,
Office of the District Collector,
Sivagangai District.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sivagangai District.
3. The Tahsildhar,
Thiruppuvanam Taluk,
Sivagangai District.
4. The Sub-Registrar,
Office of the Sub-Registration Department,
Thiruppuvanam,
Sivagangai District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 75532
+ 1 CC TO Mr.R.UDHAYAKUMAR, ADVOCATE IN SR No. 75157

SJI

TE/RP/SAR-4 : 07/08/2018 : 3P/7C

W.P. (MD) No.16499 of 2018
26.07.2018