

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 30.07.2018****CORAM:****THE HONOURABLE MR.JUSTICE M.S.RAMESH****W.P. (MD) No.16703 of 2018****WEB COPY**

Minor Hariharasudan

S/o. Ilangovan

Represented by the guardian

Chellapandy

... Petitioner

vs.

1. The District Collector
Office of the District Collector
Sivagangai District

2. The Tahsildhar
Karaikudi Taluk
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 representation dated 18.06.2018 for granting patta which is bearing survey no. 168P at Navalar Nagar in petitioner name on the basis of the G.O.No.711 on 30.11.2007 in accordance with law within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.R.Alagumani
For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

O R D E R

Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, 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 18.06.2018 seeking to grant patta bearing survey no. 168P at Navalar Nagar in petitioner name on the basis of the G.O.No.711 on 30.11.2007, has not been considered by the second respondent till date and therefore, he has filed the present writ petition.

4. The learned Additional Government Pleader on instructions submitted that the properties for which the petitioner seeking patta is classified as street. Nevertheless, if at all the second



respondent is of the view that the patta cannot be granted for such a property, it is always open to him to pass final order on the basis of the representation made.

5. 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.

6. 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 representation dated 18.06.2018 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 any other persons who may be interested in the subject matter.

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

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The District Collector
Office of the District Collector
Sivagangai District
2. The Tahsildhar
Karaikudi Taluk
Sivagangai District

+1cc to Mr.R.Alagumani, Advocate SR.No.75733

+1cc to SPECIAL GOVERNMENT PLEADER, SR.No.76240

AAV

MK/SKN/SAR 3/3.08.2018/2P/5C