



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.17315 of 2018

V.Mariappan

... Petitioner

vs.

1.The District Revenue Officer
Tuticorin District, Tuticorin

2.The Revenue Divisional Officer
Kovilpatti, Tuticorin District

3.The Tahsildhar
Ottapidaram Taluk
Tuticorin District

4.The Pearlstechnobelwell India Pvt Ltd
rep.by its power agent SH.Ratikanth
R/o.Dhatika Village
Suliapada Grama Panchayat
Suliapada Post, Mayurbhumi District
State of Orissa

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents 1 and 2 to consider the representation / appeal petition submitted by the petitioner dated 22.06.2018 to cancel the joint patta granted in favour of 4th respondent in respect of land in S.No.94/1 and 95/1 Venkateshwarapuram Village, Ottapidaram Taluk, Tuticorin District, respectively, and to restore the patta No.454 in the name of the petitioner, within a stipulated time.

For Petitioner : Mr.T.Chandrasekaran

For Respondents : Mr.J.Gunaseelan Muthiah

Additional Government Pleader for R1 to R3

O R D E R

Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, takes notice for the respondents 1 to 3. Notice to the fourth 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 22.06.2018 seeking to cancel the joint Patta granted in favour of the fourth respondent in respect of the lands comprised in Survey Nos.94/1 and 95/1 of Venkateshwarapuram Village, Ottapidaram Taluk, Tuticorin District and to restore the Patta



bearing No.454 in his name, has not been considered by the official 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 official 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 representation dated 22.06.2018 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 the fourth 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.

Sd/

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar (CS-I)

To:

1.The District Revenue Officer,
Tuticorin District, Tuticorin.

2.The Revenue Divisional Officer,
Kovilpatti, Tuticorin District.

3.The Tahsildhar,
Ottapidaram Taluk,
Tuticorin District.

+1cc to Mr.T.Chandrasekaran, Advocate, SR.No. 76809

+1cc to M/s.Special Government Pleader, SR.No. 77454

W.P. (MD) No.17315 of 2018
03.08.2018

KRK

KK/RP/SAR-1/04.09.2018/2P-6C

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