



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.17324 of 2018

Thomaiyar

... Petitioner

vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
3. The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.
4. The Thasildhar,
Thasildhar Office,
Rajapalayam,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to cancel the Patta in the name of Xavior in survey numbers 237/4 and 237/15 by considering the application of the petitioner dated 06.07.2018.

For Petitioner : Mr.K.P.Sankarakumarakuruparan

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 her application dated 06.07.2018 seeking to cancel the Patta stands in the name of one Xavior in respect of the property comprised in Survey Nos.237/4 and 237/15, has not been considered by the respondents

till date and therefore, she has filed the present writ petition.

4. This Court has not expressed any of its view with regard to the merits of the application made by the petitioner. It is needless to point out that whenever an application 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 application 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 application dated 06.07.2018 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 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 (Records)

/True Copy/

Sub Assistant Registrar (CS-I)

To:

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
3. The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.
4. The Thasildhar,
Thasildhar Office,
Rajapalayam,
Virudhunagar District.

+ 1 CC TO Mr.K.P.SANKARA KUMARA KURUPARAN, ADVOCATE IN SR No. 77678

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 77474

KRK