



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.6725 of 2017

M.Ganapathi

... Petitioner

vs.

1. The District Revenue Officer,
Tuticorin District, t
Tuticorin.
2. The Revenue Divisional Officer,
Kovilpatti,
Tuticorin District.
3. The Tahsildhar,
Ottapidaram Taluk,
Tuticorin District.
4. G.Gopalakrishnan

... 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 submitted by the petitioner on 05.12.2016 to cancel the patta No.994 granted in favour of the fourth respondent in respect of land in Patta No.90 in S.No.17/9B, 17/9C and 17/9D totally an extent of 37 cents in Kappikulam Village, Ottapidaram Taluk, Tuticorin District respectively and to issue separate patta in the name of the petitioner within a time frame fixed by this Hon'ble Court.

For Petitioner : Mr.T.Chandrasekaran

For Respondents : Mr.J.Gunaseelan Muthiah
No.1 to 3 Additional Government Pleader

O R D E R

The grievance of the petitioner that his representation dated 05.12.2016 seeking to cancel the patta in favour of the fourth respondent in respect of land in Patta No.90 in S.No.17/9B, 17/9C and 17/9D totally an extent of 37 cents in Kappikulam Village, Ottapidaram Taluk, Tuticorin District respectively and to issue separate patta in his name has not been considered by the third respondent till date and therefore, he has filed the present writ petition.



2. 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.

3. 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 representation dated 05.12.2016 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 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.

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

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The District Revenue Officer,
Tuticorin District,
Tuticorin.
2. The Revenue Divisional Officer,
Kovilpatti,
Tuticorin District.
3. The Tahsildhar,
Ottapidaram Taluk,
Tuticorin District.

+1 CC to Mr.T.CHANDRASEKARAN, Advocate in SR.No.73736
+1 CC to the Special Government Pleader, SR.No.73568

AAV
RJ/PN/SAR-3/25/07/2018 - 2P/6C