

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.1297 of 2021

M.Murugesan
S/o.Giriraj Mudaliyar

...Petitioner

-Vs-

1.The Tahsildar,
Rasipuram Taluk,
Namakkal District.

2. Murugesan
S/o.Palaniyappa Mudaliar

3.The Principal Secretary,
Revenue Department,
Fort St.George,
Chennai-9.

...Respondents

(R3 Suo Motu impleaded vide order dated 25.01.2021 made in
WP.No. 1297/2021)

Prayer: Writ Petition is filed under Article 226 of the
Constitution of India, to issue a Writ of Mandamus, 1st
respondent to point out the field boundaries of a property
comprised in survey No.206/26 situated at Vennandur Village,
Namakkal District and measuring to an extent of 0.0380.0
sq.mt. in pursuance of petitioner's application dated
24.01.2020.

For Petitioner : Mr.M.Subash

For Respondents: Mr.E.Balamurugan

Special Government Pleader

ORDER

The present petition is filed seeking a direction to the 1st
respondent to point out the field boundaries of a property
comprised in survey No.206/26 situated at Vennandur Village,
Namakkal District and measuring to an extent of 0.0380.0
sq.mt. in pursuance of petitioner's application dated
24.01.2020.

2.Heard both sides.

3.Mr.E.Balamurugan, learned Special Government Pleader
appearing on behalf of the 1st respondent and made a statement
on instructions that enquiry is fixed at 11.00 a.m., on
29.01.2021.

4. The said statement of the learned Special Government Pleader is recorded.

5. Since the enquiry is already fixed, no further direction is required to be made except that the 1st respondent is directed to issue notice to all the parties who are likely to be affected by his decision and after providing the parties a fair and effective hearing, to dispose of the matter through a speaking order within a period of eight(8) weeks from 29.01.2021.

6. The Writ Petition is disposed of accordingly. No costs.

7. This Court suo-motu impleads the Principal Secretary, Revenue Department, Fort St. George, Chennai, as 3rd respondent in this case.

8. Frequently this Court comes across the litigation where the maximum relief sought by the petitioner relates to disposing of the representation, after an enquiry. In this category of cases, the Court does not adjudicate any rights of the parties, but, merely fix the enquiry date as being suggested by the authority concerned. In other words, this Court functions more like a courier service between some authorities and the petitioner which job does not befit the nature of a Constitutional Court. Therefore, this Court requires the 3rd respondent / Principal Secretary, Revenue Department, to evolve an alternative method to avoid this.

9.1 In this regard, this Court has couple of suggestions to share with the 3rd respondent, the various kinds of representations that normally are preferred with the authorities, that can be broadly categorised into :

- a) Non-Statutory representations.
- b) Statutory representations.

9.2. In the case of statutory representations, there will be a right in the petitioner and there will be corresponding duty to perform certain function that vests with the authorities. This category itself can be divided into two:

- a) Where the authority functions with regard to those property issues between the Citizens and the Government, such as mining, removal of encroachments etc.,
- b) The cases between two individuals where interest of the Government is not involved as relating to matter such as issuance of patta etc.,

9.3 In all these, if the entire representations are automated (computerised) and they are taken in a certain seniority then everybody associated there with, or to state it differently, the stake holders of this representation and the officials who ought to perform their duty in connection with, will have a greater clarity. This Court may further require the 3rd respondent to consider:

a)Why not the entire pattern of considering various categories of representations by the concerned authorities be computerised?

b)Why not all the representations are taken up in a certain seriatim, especially those categories fall under the category 9(b) above?

c) If any such process is contemplated to consider, why not special priority be accorded to senior citizens, destitute women and any people who may deserve in law a certain special preference.

In all such circumstances, it is important to inform the petitioner involved or the parties to know which representation is being considered at any point of time in order, more like a cause title moves before this Court.

10. If this arrangement is not introduced, or any such similar things are not introduced, then only those who approach this Court may get a priority over those who are waiting in the queue. That would be an indirect discrimination to which this Court does not want to be a party.

11.The newly impleaded 3rd respondent is now required to make a report to this Court on 22.02.2021.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssn

To

1.The Tahsildar,
Rasipuram Taluk,
Namakkal District.

2.The Principal Secretary,
Revenue Department,
Fort St.George,
Chennai-9.

Copy To

The Section Officer,
Writ Section, High Court,
Madras.

W.P.No.1297 of 2021

MG (CO)

GN (02/02/2021)

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