



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.4330 of 2021

and

W.M.P (MD) No.3518 of 2021

R.Venkateswaran

... Petitioner

Vs

1.The Commissioner of Land Survey and Land Settlement,
Chepauk, Chennai.

2.The Assistant Director of Survey,
and Land Records,
Tiruchirappalli.

3.The District Collector,
Trichy- District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to impugned transfer order passed by the first respondent in Na.Ka.Ka.3/3670/2021 (Nia) dated 16.02.2021 and quash the same.

For Petitioner : Mr.C.Vakeeswaran

For Respondents : Mr.S.Dhayalan

Government Advocate

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.Though the petitioner has sought for issuance of a writ of certiorari, to quash the impugned order passed by the first respondent, the learned counsel for the petitioner would submit that he would be satisfied if the representation dated 17.02.2021 given by the petitioner, is directed to be considered by the respondents within a stipulated time.

3.One of the ground raised before this Court as well as in the representation is that the petitioner's mother is aged about 75 years and that the petitioner herein is taking care of and in view of the impugned transfer order, serious prejudice would be caused



to the health of his mother and therefore, such request for revocation of transfer order is made.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, it would be appropriate to direct the first respondent herein to consider the petitioner's representation dated 17.02.2021, within a stipulated time and thereby the ends of justice could be secured. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

6. Accordingly, there shall be a direction to the first respondent to consider the petitioner's representation dated 17.02.2021, on its own merits and pass appropriate orders in accordance with law, within a period of one week from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

cp

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



1.The Commissioner of Land Survey and Land Settlement,
Chepauk, Chennai.

2.The Assistant Director of Survey,
and Land Records,
Tiruchirappalli.

3.The District Collector,
Trichy- District.

+1 CC to M/s.C.VAKEESWARAN, Advocate (SR-7776[F] dated 01/03/2021)

+1 CC to M/s.SPL GP (SR-8193[F] dated 02/03/2021)

Order made in
W.P. (MD) No.4330 of 2021
01.03.2021

MA (CO)

TR(02.03.2021) 3P 6C