



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

**W.P. (MD) .Nos.11131, 11132, 11136,
11137, 11147 & 11152 of 2021**

P.Prabhudoss	...Petitioner in WP(MD).11131 of 2021
Y.Thiruthuvaraj @ Thames	...Petitioner in WP(MD).11132 of 2021
P.Lawrence	...Petitioner in WP(MD).11136 of 2021
P.Charles	...Petitioner in WP(MD).11137 of 2021
S.Albert Edison	...Petitioner in WP(MD).11147 of 2021
D.Valarmathi	...Petitioner in WP(MD).11152 of 2021

Vs.

1. The District Collector,
Thanjavur District, Thanjavur.
2. The Revenue Divisional Officer,
Revenue Division Office, Thanjavur.
3. The Tahsildar,
Boothalur Taluk, Boothalur,
Thanjavur District. ... Respondents in all WPs

Common Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to issue patta in the petitioner's name in Survey No.400/1A in extent of 1 Acre agriculture land situated at Maraneri Village, Megalathur Post, Boothalur Taluk, Thanjavur District, based on the petitioner's representation, dated 07.06.2021.

For Petitioner : Mr.S.Senthil Sankaranatha Kumar

For Respondents : Mr.M.Lingadurai, Government Advocate
(in WP(MD)Nos.11131, 11136,
11147 & 11152 of 2021)

Mr.R.Sureshkumar, Government Advocate
(in WP(MD)Nos.11132 & 11137 of 2021)

COMMON ORDER

These batch of writ petitions illustrates as to how writ petitions are being filed before this Court seeking for the issue of a Writ of Mandamus without any materials and by just giving a representation before the respondents. A majority of the writ petitions that are filed before this Court seek for the issue of a Writ of Mandamus and in most of the cases, this Court finds that a



representation is given just one week before filing the writ petition and thereafter, a Writ Petition is moved before this Court.

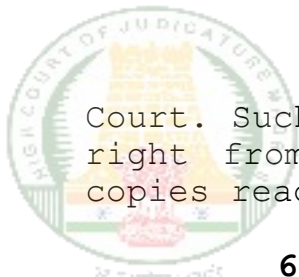
2. The Hon'ble Supreme Court in the case of **Government of India and another Vs. P.Venkatesh** reported in **(2019) 15 SCC 613** had commented very adversely on the mechanical disposal of writ petitions which seek for disposing of representations. In fact, the appeal before the Hon'ble Supreme Court went from this Court and the Hon'ble Supreme Court commented that the dispose of representation Mantra is increasingly permeating the judicial process in the High Courts. The relevant portion in the Judgment is extracted hereunder:-

"8.This "dispose of the representation" mantra is increasingly permeating the judicial process in the High Courts and the Tribunals. Such orders may make for a quick or easy disposal of cases in overburdened adjudicatory institutions. But, they do no service to the cause of justice. The litigant is back again before the Court, as this case shows, having incurred attendant costs and suffered delays of the legal process. This would have been obviated by calling for a counter in the first instance, thereby resulting in finality to the dispute. By the time, the High Court issued its direction on 09.08.2016, nearly twenty-one years had elapsed since the date of the death of the employee."

3. The Hon'ble Supreme Court in the case of **C.Jacob Vs. Director of Geology and Mining and another** reported in **(2008) 10 SCC 115** warned the High Courts and emphasized the need for circumspection and care in issuing directions for "consideration of representation".

4. In many cases, this Court finds that the litigants are using the writ jurisdiction of this Court to dispose of the representation and in most of the cases, this Court is acting like a Post Office. It is quite unfortunate that a constitutional Court exercising its writ jurisdiction under Article 226 of the Constitution of India is being engaged on a daily basis to dispose of stale representations by mechanically issuing directions to various authorities to consider the representations.

5. This attitude of mechanically disposing of writ petitions by giving directions, is virtually eating up the valuable time of this Court and it comes in the way of this Court disposing of genuine cases which are awaiting for an effective hearing over a long period of time. In most of the cases, the typed-set of papers contains a representation and an acknowledgement card and this becomes a cause of action for filing a Writ Petition before this



Court. Such Writ Petitions virtually saps the energy of the Registry right from numbering these writ petitions till making the order copies ready.

6. Sometimes, these innocuous directions issued by this Court are also misused and it is taken by the Authorities as if a favourable order has been issued and by virtue of the same, a person, who may not have any right over the property, is issued with patta just by quoting orders passed by this Court. This also sometimes comes in handy for the authorities to pass orders, but for which there would be no scope for an order.

7. It is high time that this Court does some self introspection and becomes more stern and strict while dealing with the relief seeking for disposing of representations. At the end of the day, this Court should not demean its status and act like a middleman between the petitioner and the authority concerned. Unless this Court becomes more stringent in issuing such directions, these Writ Petitions are going to eat the valuable time of this Court and ultimately, the cases which require immediate attention will be left to suffer delay. In many cases, it takes years together for a Writ Petition to be taken up for disposal finally.

8. In the present batch of writ petitions, the petitioners are claiming for issuance of patta in their names. This is on the ground that they are in possession and enjoyment of the properties. What has been filed along with the Writ Petitions is just one representation dated 07.06.2021 and an acknowledgement card. If writ petitions of this nature are entertained by this Court and orders are passed, a stage may come where people will take for granted the powers of this Court under Article 226 of the Constitution of India. This extraordinary power given to the High Courts cannot be wasted in issuing useless directions.

9. This Court is forced to make all these observations in order to send a message to the Bar that they must do some introspection before filing such writ petitions and in future, if this Court finds that such writ petitions are filed without any materials and the petitioners approach this Court immediately after giving a representation and without giving any time to the authorities to act upon it, this Court will be forced to dismiss those writ petitions with costs.

10. It is really painful to take note of the fact that writ petitions filed 10 years ago are pending before this Court without a final disposal and this Court is not able to take up those cases because of mandamus cases which consumes most of the time of this Court even at the stage of admission.



11. This Court does not find any merit in these writ petitions and all these writ petitions lack any material and the petitioners have approached this Court by just giving a representation and filing an acknowledgement card. Such type of writ petitions can never be entertained by this Court and accordingly, all these writ petitions are dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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.

To

1. The District Collector,
Thanjavur District, Thanjavur.
2. The Revenue Divisional Officer,
Revenue Division Office, Thanjavur.
3. The Tahsildar,
Boothalur Taluk, Boothalur,
Thanjavur District.

+1 CC to M/s.SPL GP (SR-21550, 21541, 21542,21496, 21552, 21495 [F]
dated 07/07/2021)

Common Order made in
W.P. (MD) .Nos.11131, 11132, 11136, 11137,
11147 & 11152 of 2021
Dated:06.07.2021

tp(CO)

TR(13.07.2021) 4P 5C