



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 03.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.13634 of 2022 and
W.M.P.No.12866 of 2022

Palaniappan

...Petitioner

Vs

1.The District Collector,
Salem.

2.The Thasildar,
Office of the Thasildhar,
Thalaivasal, Salem District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 2nd respondent to record the burial ground existing at SF.No.242 at Unathur Village, Thalaivasal Taluk, Salem District and mutate same in revenue and other related records by considering the representation of the petitioner herein dated 10.05.2022.

For Petitioner : Mr.R.Nalliyappan

For Respondents: Mr.P.Sathish,
Additional Government Pleader

ORDER

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

2.The petitioner herein had given a representation to the second respondent on 10.05.2022 seeking to record the burial ground existing at SF.No.242 at Unathur Village, Thalaivasal Taluk, Salem District and mutate the same in revenue and other related records. Since the said representation was not considered, the present writ petition has been filed.

3. 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.

4. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 10.05.2022 on its own merits and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views 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.

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

Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

hvk

To

1.The District Collector,
Salem.

2.The Thasildar,
Office of the Thasildhar,
Thalaivasal, Salem District.

+1cc to Mr.R.Nalliyappan, Advocate, S.R.No.32051

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KK(CO)
SB(15/06/2022)