



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 02.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.No.13740 of 2022

Shamshath Begum

...Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary to Govt.,
Department of Revenue,
Fort St. George, Chennai 600 009.
2. The Commissioner of Land Administration,
Chepauk, Chennai-5.
3. The District Collector,
Tiruvallur District, Master Plan Complex,
NH-205, Tiruvallur 602 001.
4. The Revenue Inspector,
Office of the Taluk Office,
Tiruvalankadu.
5. The Tahsildar,
Taluk Office,
Tiruttani Taluk.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to consider the representation dated 13.05.2022 based on the proceedings of the Tahsildar, Tiruttani Taluk in Na.Ka.No.6352/2000/F dated 14.11.2000 and report of Revenue Inspector dated 07.02.2022 in accordance with law and until then to direct the 3rd to 5th respondents not to initiate any action in respect of Survey No.109/7 at No.58, Marudavallipuram, Thozhudavur Village, Tiruttani Taluk, Tiruvallur District.

For Petitioner : Mr.J.N.Naresh Kumar

For Respondents : Mr.J.Ravindran
Addl. Adv. General
assisted by Mr.A.Selvendran, Spl.G.P.



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ORDER

(Order of the Court was made by M.S.RAMESH, J.)

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 respondents on 13.05.2022 seeking to reclassify the land in S.No.109/7, Marudavallipuram, Thozhudavur Village, Tiruttani Taluk, Tiruvallur District from Kuttai and Salai Poramboke to Patta land and to issue patta based on the proceedings of the Tahsildar dated 14.11.2000 and report of the Revenue Inspector dated 07.02.2022 and until the said representation is considered, not to initiate action pursuant to the notice dated 06.12.2021 issued under Section 6 of the Tamilnadu Land Encroachment Act, 1905, in respect of the said survey number. 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 third respondent herein to consider the petitioner's representation dated 13.05.2022 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.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar



To

1. The Secretary to Govt. of Tamil Nadu,
Department of Revenue,
Fort St. George, Chennai 600 009.
2. The Commissioner of Land Administration,
Chepauk, Chennai-5.
3. The District Collector,
Tiruvallur District, Master Plan Complex,
NH-205, Tiruvallur 602 001.
4. The Revenue Inspector,
Office of the Taluk Office,
Tiruvalankadu.
5. The Tahsildar,
Taluk Office,
Tiruttani Taluk.

+1cc to Government Pleader SR. No. 32074

+1cc to Mr.J.N.Naresh Kumar, Advocate SR. No. 31989

W.P.No.13740 of 2022

SVI (CO)

PR (14/06/2022)