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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.13715 OF 2022

AND

W.M.P.NO.12995 OF 2022

1. Paul K.R.Chinnappan,
S/o. T.Chinnappan
2. Jerome R.Chinnappan,
S/o. T.Chinnappan
3. Britto M.R.Chinnappan
S/o. T.Chinnappan

Petitioners 1 to 3 are rep. by their
General Power Agent T.Chinnappan

... Petitioners

Vs

1. The Tahsildar,
Ambattur Taluk Office,
Thiruvallur High Road,
Gandhi Nagar, Ambattur,
Chennai-600 053.
2. The Tamil Nadu Housing Board,
rep. by its Chairman/Managing Director,
Nandanam,
Chennai-600 035.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to consider and pass orders on petitioner's application dated 17.05.2022 for issuance of computerised patta for the petitioner situated at Plot No.42 and 43 in S.No.68, Kamakodi Nagar West, Valasarawakkam, Chennai-600 087 expeditiously and in accordance with law more particularly without insisting on non-production of "No Objection Certificate" from the 2nd respondent.



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For Petitioner : Mr.D.S.Rajasekaran
For Respondents : Mr.T.Chezhian,
Additional Government Pleader
for R1

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 1st respondent on 17.05.2022 seeking to issue computerised patta for the property situated at Plot Nos.42 and 43 in S.No.68, Kamakodi Nagar West, Valasarawakkam, Chennai-600 087 in favour of petitioner without insisting no objection certificate from the 2nd respondent. 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 first respondent herein to consider the petitioner's representation dated 17.05.2022 on its own merits and pass appropriate orders in accordance with law after giving opportunity to the petitioner as well as all the interested persons within a period of three months from the date of receipt of 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 Writ Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar/Vacation Officer

//True Copy//

Sub Assistant Registrar

rpp/kst

To

1. The Tahsildar,
Ambattur Taluk Office,
Thiruvallur High Road,
Gandhi Nagar, Ambattur,
Chennai-600 053.
2. The Chairman/Managing Director,
Tamil Nadu Housing Board,
Nandanam,
Chennai-600 035.

+1cc to Mr.D.S.Rajasekaran, Advocate, S.R.No.32093

W.P.No.13715 of 2022

MT (CO)
RLP (16/06/2022)