



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.14125 of 2022

Sumadhi

... Petitioner

Vs

1. The Collector,
Tirupathur District,
Tirupathur.
2. The Revenue Divisional Officer,
Tirupathur District,
Thirupathur.
3. The Tahsildhar,
Tirupathur Taluk,
Tirupathur District.
4. K.Unnikrishnan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 3rd respondent to cancel the patta issued in favour of the 4th respondent for the property comprised in survey no.26, new survey no.26/1, as per patta new survey no.26/1A2 admeasuring 25 cents (10,900 square feet) out of entire extent of Acre 7.15 cents situated at Yelagiri Hills, Athanavur village, Thirupathur Taluk, previously Vellore District, presently Thirupathur District and issue patta in Petitioner and her sister's name for the aforesaid property in by considering her representation dated 26.04.2022 within a time frame fixed by this Court.

For Petitioner : Mr.D.Bennington

For Respondents: Mr.P.Sathish,
Additional Government Pleader
for RR-1 to 3

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 third respondent on 26.04.2022 seeking permission to cancel the patta issued in favour of the 4th respondent for the property comprised in Survey No.26, new Survey No.26/1, as per patta new Survey No.26/1A2 ad-measuring 25 cents (10,900 square feet) out of entire extent of Acre 7.15 cents situated at Yelagiri Hills, Athanavur village, Thirupathur Taluk, previously Vellore District, presently Thirupathur District and issue patta in favour of petitioner and her sister's name for the aforesaid property by considering her representation dated 26.04.2022 within a time frame fixed by this Court.

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 26.04.2022 on its own merits, by conducting an enquiry and by giving due opportunity to all the interested persons 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 VIII)

//True Copy//

Sub Assistant Registrar

grs/asr



To

1. The Collector,
Tirupathur District,
Tirupathur.

2. The Revenue Divisional Officer,
Tirupathur District,
Thirupathur.

3. The Tahsildhar,
Tirupathur Taluk,
Tirupathur District.

+1cc to Mr.D.Bennington, Advocate, S.R.No.32101

W.P.No.14125 of 2022

NK(CO)
CT/17/06/2022