



W.P.No.2089 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.2089 of 2023

S.Sekar

...Petitioner

Vs

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Mannargudi,
Thiruvarur District.

2.The Thasildar,
Office of the Thasildar,
Thiruthuraipondi,
Thiruvarur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to implement the order passed by the first respondent dated 08.01.2005 in respect of S.No.200/18 measuring to an extent of 0.01.77 sq.mtr. as pathway and S.No.200/32 measuring to an extent of 0.00.70 sq.mtr. As vacant site and also to rectify the crept in the land records and patta in respect of lands stated above situated at Deevambalpuram Village, Thiruthuraipoondi Taluk, Thiruvarur District upon considering the



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petitioner's representation dated 14.06.2022 within the period that may be stipulated by this Court.

For Petitioner : Mr.S.Arivazhagan

For Respondents : Mr.R.P.Murugan Raja,
Government Advocate

ORDER

Heard Mr.S.Arivazhagan, learned counsel for the petitioner and Mr.R.P.Murugan Raja, learned Government Advocate for the respondents.

2.The petitioner herein had given a representation to the respondents on 14.06.2022 to implement the order passed by the first respondent on 08.01.2005. 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 him 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



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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. With the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 14.06.2022, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner as well as all other persons who may be interested in the subject property, within a period of twelve weeks from the date of receipt of a copy of this order, in the light of the order dated 08.01.2005 passed by the first respondent.

5. 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.



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M.S.RAMESH,J.

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6.With the above direction, the Writ Petition stands disposed of.

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

vga

To

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