



W.P.No.12270 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.4.2023

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.12270 of 2023

G.Sekar

...Petitioner

Vs

1.The Tahsildar, Mylapore,
Chennai-28.

2.The Revenue Divisional Officer,
South Chennai Division, Chennai.

3.The District Collector, Chennai
District, Chennai.

4.A.Elumalai

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to take necessary steps to cancel the patta issued to the fourth respondent herein on the basis of the petitioner's notice through counsel dated 20.7.2022 and on the basis of the instructions issued by the third respondent in his proceedings dated 30.8.2022.

For Petitioner : Mr.K.Rajasekaran

For Respondents 1 to 3 : Mr.P.Sathish,
Special Government Pleader



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ORDER

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Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for the official respondents. Since this Court is directing the first respondent to consider the petitioner's representation after giving notice to all the parties concerned, notice to the private respondent is dispensed with.

2. The petitioner herein had given a representation dated 20.7.2022 through counsel to respondents 1 and 3 seeking to cancel the assignment patta issued to the fourth respondent. Since the said representation has not yet been considered, the 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 amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of



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India and direct him 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 20.7.2022 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the private respondent herein, 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. 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.

21.4.2023

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

RS/SNI



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M.S.RAMESH,J.

RS/SNI

To

- 1.The Tahsildar, Mylapore,
Chennai-28.
- 2.The Revenue Divisional Officer,
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