



WEB COPY



W.P.No.3056 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.3056 of 2023

S.Ramasamy

...Petitioner

Vs

1. The District Collector,
Namakkal District.

2. The Revenue Divisional Officer,
Namakkal.

3. Mathandi Tamilarasi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to consider and pass orders on the representation dated 09.11.2022 after hearing the 3rd respondent on merits and as per Rules within a time to be stipulated by this Court.

For Petitioner : Mr.L.Chandrakumar
For Respondents : Ms.Akila Rajendran
Govt. Advocate
For RR.1 and 2



W.P.No.3056 of 2023

ORDER

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The petitioner herein had given a representation to the respondents on 09.11.2023 stating that he had purchased the property in S.No.256/2 (Old No.196) to an extent of about 4 acres and 74 cents through a registered sale deed and the sale was executed by one Mr.Muthukamatchi, who had purchased the same way back in the year 1988, and as such, the petitioner is in absolute possession and enjoyment of the said property. While so, the third respondent had sought to trespass into the petitioner's property despite the fact that the third respondent's property is situated in S.No.2.141/12 and 141/15. Further, the third respondent also filed a civil suit in O.S.No.147/2017 seeking for permanent injunction and other relief and the same is pending. As the third respondent is trying to trespass into the petitioner's property, the petitioner has given a representation to the respondents on 9.11.2022, Since the said representation was not considered, the present writ petition has been filed.

2. 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-



W.P.No.3056 of 2023

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.

3. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 9.11.2022 on its own merits and pass appropriate orders in accordance with law, within a period of eight 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 second respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of. No costs.

17.03.2023

Index: Yes/No
Speaking order/Non-speaking order
sr



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W.P.No.3056 of 2023

M.S.RAMESH,J.,

SR

To

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Namakkal District.
2. The Revenue Divisional Officer,
Namakkal.

W.P.No.3056 of 2023

17.03.2023