



W.P.No.7759 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.7759 of 2023

M. Rajaram

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Office of the Revenue Divisions Officer,
Gudiyatham, Vellore District.

2.The Tahsildar,
Office of the Tahsildar,
Gudiyatham, Vellore District.

3.Tamilarasi

4.Balamurugan

5.Gowri

6.Shanmugapriya

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to cancel the Manaivari Thoraayaaa Patta vide Patta No.181 in respect of land comprised in Sruvey Nos.369/2, 368/2 & 335/5 situated at Ward No.3, Block No.6, Gudiyatham Town, Vellore District by the consideration of petitioner's representation dated 07.11.2022.



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For Petitioner : Mr.S. Arivazhagan
For R1 & R2 : Mr.V. Veluchamy,
Additional Government Pleader
For R3 to R6 : Mr.D. Sai Kumaran

ORDER

The petitioner herein had given a representation to the first and second respondents on 07.11.2022, requesting to cancel the fraudulent Manaivari Thoraayaa Patta standing in the name of the respondents 3 to 6. Subsequently, the first respondent through his letter dated 24.11.2022, directed the second respondent to inspect the land and file a report. Since there was no further progress, 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 respondent 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



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stipulated time.

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3. In the light of the above observations, there shall be a direction to the first respondent, to consider the petitioner's representation dated 07.11.2022, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 3 to 6, as well as any other person who may be interested in the subject property, within a period of twelve (12) 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.

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

No costs.

18.04.2023

Speaking order/Non-speaking order

Index: Yes/No

Neutral Citation: Yes/No

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M.S.RAMESH,J.

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To

- 1.The Revenue Divisional Officer,
Office of the Revenue Divisions Officer,
Gudiyatham, Vellore District.
- 2.The Tahsildar,
Office of the Tahsildar,
Gudiyatham, Vellore District.

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