



W.P.No.6893 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.6893 of 2023

Madhyan

...Petitioner

Vs

1. The District Collector,
Salem, Salem District.
2. The Revenue Divisional Officer,
Mettur, Salem District.
3. The Tahsildar,
Mettur, Salem District.
4. Arumugam
5. Sellammal

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent to conduct enquiry in respect of assignment order Nos.765/2009 & AM11/2008 dated 11.06.2009 and to take appropriate action against the respondents 4 and 5 by considering the representation dated 02.12.2022.



W.P.No.6893 of 2023

For Petitioner : Mr.K.Prabhakaran

For Respondents : Mr.P.Sathish
AGP
For R.1 to R.3

ORDER

By consent of both the parties, the main writ petition has been taken up for final disposal.

2. The petitioner herein had given a representation to the respondents on 02.12.2022 seeking for a direction to conduct enquiry in respect of assignment order Nos.765/2009 & AM11/2008 dated 11.06.2009 and to take appropriate action against the respondents 4 and 5. 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 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



W.P.No.6893 of 2023

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 02.12.2022 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, after giving opportunity to the petitioner as well as the respondents 4 and 5 and all other interested parties. 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 third respondent to consider the same on its own merits.

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

No costs.

07.03.2023

Index: Yes/No

Speaking order/Non-speaking order

sr



WEB COPY



W.P.No.6893 of 2023

M.S.RAMESH,J.

SI

To

1. The District Collector,
Salem, Salem District.
2. The Revenue Divisional Officer,
Mettur, Salem District.
3. The Tahsildar,
Mettur, Salem District.

W.P.No.6893 of 2023

07.03.2023