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W.P.No.8427 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.8427 of 2023

A.Vaithyanathan

...Petitioner

Vs

1.The Revenue Divisional Officer,
Cuddalore District.

2.The Tahsildar, Kurinjipadi,
Kurinjipadi Taluk,
Cuddalore District.

3.Mr.Mahalingam

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing respondents 1 and 2 to remove the name of 3rd respondent from patta No.232 and consequently to issue a separate/individual patta to the petitioner in respect of property bearing New S.No.138/18 = Old S.No.201/2 Ac.0.15 in Abatharanapuram, Vadalur, Kurinjipadi Taluk, Cuddalore District by considering his representations dated 29.08.2022 and 26.12.2022.

For Petitioner : Mr.D.Baskar

For Respondents 1 & 2 : Ms.Akila Rajendran,
Government Advocate



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ORDER

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Heard the learned counsel for the petitioner and the learned Government Advocate accepting notice for the official respondents. Since this Court is directing the second 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 claims that he inherited the property in New S.No.138/18 = Old S.No.201/2, Abatharanapuram, Vadalur, Kurinjipadi Taluk, Cuddalore District measuring an extent of Ac.0.15. According to him, his father was the absolute owner of the said property by virtue of a sale deed dated 15.6.1966 and after the demise of his father, the other legal heirs executed a release deed dated 30.7.2012 in favour of the petitioner. Patta in respect of the disputed property was mutated and the petitioner has been holding a joint patta in respect of new S.No.138/18 Hec.0.36.00. However, all of a sudden, the name of the third respondent has been included in the patta. Therefore, seeking a separate patta, the petitioner sent a representation dated 26.12.2022 to the first respondent and it has been forwarded to the second respondent for taking necessary



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action. Since the said representation has not yet been considered, the petitioner is before this Court.

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 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 second respondent herein to consider the petitioner's representation dated 26.12.2022, 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 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



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M.S.RAMESH,J.

RS/SNI

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 ordered. No costs.

17.03.2023

Index:Yes/No

Speaking order/Non-speaking order

To

1.The Revenue Divisional Officer,
Cuddalore.

2.The Tahsildar, Kurinjipadi,
Kurinjipadi Taluk,
Cuddalore District.

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