



W.P.No.6811 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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M.Musthafa

...Petitioner

Vs

1.The District Collector,
Cuddalore District.

2.The District Revenue Officer,
Cuddalore District.

3.The Revenue Divisional Officer,
Virudhachalam,
Cuddalore District.

4.The Tahsildar,
Thittakudi Taluk,
Cuddalore District.

5.Rahim Sayub

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 20.12.2022 to issue patta in the name of the petitioner by implementing the order of the second respondent in 3/891/2015 dated 12.12.2016.



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For Petitioner : Mr.A.Arunbabu

For R1 to R4 : Mr.P.Sathish
Additional Government Pleader

ORDER

Heard Mr.A.Arunbabu, learned counsel for the petitioner and Mr.P.Sathish, learned Additional Government Pleader appearing for the respondents 1 to 4.

2. Since this Court is directing the fourth respondent to dispose of the representation, after giving due opportunity to the 5th respondent, notice to the 5th respondent is dispensed with.

3. The petitioner herein had given a representation to the first respondent on 20.12.2022 seeking for a direction to grant patta by implementing the order of the second respondent. Since the said representation was not considered, the present writ petition has been filed.



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4. 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 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.

5. In the light of the above observations, there shall be a direction to the fourth respondent herein to consider the petitioner's representation dated 20.12.2022, in the light of the proceedings of the second respondent in ௪3/891/2015 dated 12.12.2016 and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, after giving due opportunity to the petitioner and the 5th respondent, as well as any other persons who may be interested in the subject property. It is made clear that this Court has



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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.

6. With the above direction, the Writ Petition stands ordered. No costs.

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Index: Yes/No
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To

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M.S.RAMESH,J.

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