



W.P.No.8676 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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M.Chinnasamy

...Petitioner

Vs

1.The District Collector,
Krishnagiri.

2.The Tahsildar,
Krishnagiri Taluk,
Krishnagiri.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent herein to consider the petitioner's representation dated 02.12.2021 and pass orders granting patta to the petitioner in respect of Grama Natham land in S.No.1041/10 of an extent of 0.09.78 sq.ft (0.03 cents), Paiyur - 2 Tharappu, Bommasamuthiram Village, Krishnagiri Taluk and District, which is in possession and occupation of the petitioner herein.

For Petitioner : Mr.R.Thamaraiselvan

For Respondents : Mr.P.Sathish,
Special Government Pleader



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ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given a representation to the respondents on 02.12.2021 to issue patta in his favour in respect of the grama natham land in Survey No.1041/10, Paiyur - 2, Tharappu, Bommasamuthiram Village, Krishnagiri Taluk and District. 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 Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article



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226 of Constitution of India and direct them to consider the same within a stipulated time.

4. The subject lands are classified as grama natham and hence, the appropriate authority to consider the petitioner's representation would be the Revenue Divisional Officer. Since the Revenue Divisional Officer is not a party in this Writ Petition, this Court is of the view that the first respondent may be directed to forward the representation to the Revenue Divisional Officer, who in turn shall consider the same, thereby securing the ends of justice.

5. In the light of the above observations, there shall be a direction to the first respondent herein to forward the petitioner's representation dated 02.12.2021 to the concerned Revenue Divisional Officer, who shall consider the representation of the petitioner, 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 twelve 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



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and that it is open to the concerned official to consider the same on its own merits.

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

No costs.

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Index:Yes/No

Speaking order/Non-speaking order

hvk

To

1.The District Collector,
Krishnagiri.

2.The Tahsildar,
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Krishnagiri.



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M.S.RAMESH,J.

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