



W.P.No.6721 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.4.2023

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.6721 of 2023

P.Sivasamy

...Petitioner

Vs

1.The District Collector,
Thirupur District, Thirupur.

2.The Commissioner, Thirupur
City Municipal Corporation,
Thirupur.

3.The District Welfare Officer,
Adi Dravidar & Tribal Welfare
Department, Thirupur.

4.The Revenue Divisional Officer,
Thirupur.

5.The Tahsildar, Thirupur South,
Thirupur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 5th respondent herein i.e. the Thasildar, Thirupur South, Thirupur District herein to issue Government free patta in respect of the 44 dwelling house premises situated in Adi Dravidar Colony, Palladam Road, Thirupur District on



W.P.No.6721 of 2023

considering the petitioner's representation dated 30.08.2021 within a stipulated period of time.

For Petitioner	: Mr.B.Ganesha Moorthy
For Respondents 1 & 3 to 5	: Ms.Akhila Rajendran, Government Advocate
For Respondent-2	: Mr.Abishek Murthy

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 has filed this writ petition seeking a direction to the fifth respondent to consider the petitioner's representation dated 30.8.2021 to issue Government free patta in respect of the 44 dwelling house premises situated in Adi Dravidar Colony, Palladam Road, Thirupur District.

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,



W.P.No.6721 of 2023

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 fifth respondent herein to consider the petitioner's representation dated 30.8.2021, 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 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 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 disposed of.

No costs.

18.4.2023



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W.P.No.6721 of 2023

M.S.RAMESH,J.

RS/hvk

Index: Yes/No

Speaking order/Non-speaking order

To

- 1.The District Collector, Thirupur District, Thirupur.
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- 3.The District Welfare Officer, Adi Dravidar & Tribal Welfare Department, Thirupur.
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- 5.The Tahsildar, Thirupur South, Thirupur District.

W.P.No.6721 of 2023

18.4.2023