



W.P.No.7131 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.7131 of 2023

1.P.Nagu

2.P.Gowramma

3.P.Devamma

4.P.Mageshi

...Petitioners

Vs

1.The District Collector,
Erode District.

2.The Revenue Divisional Officer,
Gobichettipalayam,
Erode District.

3.The Tahsildar,
Thalavadi Taluk,
Thalavadi, Erode District.

4.The Taluk Head Surveyor,
Thalavadi Taluk,
Thalavadi, Erode District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to take action to dispose of the petitioner's representations dated 24.08.2022 and 23.02.2023 submitted with regard to survey the Agriculture land of a total extent of hectares 1-02.50 (Acre 2.47 cents) Gumtapuram, Thalavadi Village, Thalavadi Panchayat limit, Thalavadi Taluk, Erode District, comprised in Survey No.674/3, vide Patta No.620, along with 16 feet cartract which is being used by generation by generation from Village Panchayat Road.

For Petitioners : Mr.V.Logeswaran

For Respondents : Ms.Akila Rajendran,
Government Advocate

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 third dated 24.08.2022, together with a challan dated 23.02.2023, with regard to surveying the agricultural land in Survey No.674/3, Gumtapuram, Thalavadi Village, Thalavadi Panchayat limit, Thalavadi Taluk, Erode



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District, covered under Patta No.620. Since the said representation has not been 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 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 respondents herein to consider the petitioner's representation dated 24.08.2022, after giving due notice and opportunity to the petitioner, as well as any other persons who may be interested in the subject property, within a period of four 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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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.

09.03.2023

Index:Yes/No
Speaking order/Non-speaking order
hvk

To

- 1.The District Collector,
Erode District.
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Erode District.
- 3.The Tahsildar,
Thalavadi Taluk,
Thalavadi, Erode District.
- 4.The Taluk Head Surveyor,
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M.S.RAMESH,J.

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