



W.P.No.7191 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.7191 of 2023

and

W.M.P.No.7251 of 2023

M.Sunderrajan @ Govindarassou

...Petitioner

Vs

- 1.The Union of India,
Rep. by its Secretary to Government,
Chief Secretariat Buildings,
Puducherry.
- 2.The Collector,
Office of the District Collector,
Government of Puducherry.
- 3.The Director,
The Directorate of Survey and Land Records,
Office of Department of Survey and Land Records,
New Saram, Pondicherry – 605 013.
- 4.The Tahsildar,
Settlement II,
Department of Survey and Land Records,
New Saram, Pondicherry – 605 013.

5.P.Murugaiyan

...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 3rd respondent to dispose of the petitioner's representation dated 06.02.2023 within a time frame.

For Petitioner : Mr.G.Krishnakumar

For R1 to R4 : Mrs.Sharadha Vivek
AGP (Pondicherry)

ORDER

Heard Mr.G.Krishnakumar, learned counsel for the petitioner and Mrs.Sharadha Vivek, learned Additional Government Pleader for the respondent 1 to 4.

2. Since this Court is directing the second respondent to consider the petitioner's representation, after giving opportunity to the fifth respondent, notice to the fifth respondent is hereby dispensed with.

3. The petitioner herein had given a representation to the third respondent on 06.02.2023, seeking for cancellation of LGR Patta standing in the name of the fifth 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 second respondent herein to consider the petitioner's representation dated 06.02.2023, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner as well as the fifth respondent and any other person 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



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own merits.

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6. With the above direction, the Writ Petition stands ordered. No costs. Consequently, connected miscellaneous petition is closed.

08.03.2023

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

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To

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Office of the District Collector,
Government of Puducherry.
- 3.The Director,
The Directorate of Survey and Land Records,
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M.S.RAMESH,J.

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