



W.P.No.8431 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.8431 of 2023

P.Murugesan

...Petitioner

Vs

1.The District Collector,
District Collector Office,
Krishnagiri District.

2.The District Registrar (Administration),
District Registrar Office,
Krishnagiri District.

3.The Sub-Registrar,
Sub-Registration Office,
Kaveripattinam,
Krishnagiri District.

4.The Tahsildar, Tahsildar Office,
Krishnagiri District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd Respondent to consider the representation dated 07.01.2023 of the petitioner and to take appropriate action within a stipulated period in accordance with law.



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For Petitioner : Mr.M.Selvam

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

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 claims that he has ancestral property in S.No. 345/6A, Mottur Village, Kaveripattinam Union and Panchayat, Krishnagiri Taluk and District to an extent of 0.04 cents and has been doing agriculture in the said property. The petitioner came to know only recently that without the signature of the petitioner and his father, one Sathasivam and one Thanikachalam sold the said property to one Chettiar and others, who, in turn, sold the same to third parties. According to the petitioner, some henchmen are attempting to dispossess the petitioner from the property in question. Hence, the petitioner herein had given a representation to the respondents on 07.01.2023 to take necessary action to cancel the fraudulent deeds. Since the said representation has not yet been considered, the present writ petition has been filed.



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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, 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 the 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 second respondent herein to consider the petitioner's representation dated 07.01.2023, 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 eight 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.



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

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

To

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M.S.RAMESH,J.

RS/SNI

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