



W.P.No.7451 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.7451 of 2023

S.Agilandeswari

...Petitioner

Vs

1.State of Tamil Nadu rep. by
The Secretary to Government,
Revenue Department,
Fort St. George,
Chennai – 600 009.

2.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

3.The District Revenue Officer,
O/o.The District Collector,
Tiruvannamalai.

4.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Arani,
Tiruvannamalai District.

5.The Tahsildar,
O/o.The Tahsildar,
Kalasapakkam,
Tiruvannamalai 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 1 to 5 to dispose the representation submitted by the petitioner dated 03.10.2022.

For Petitioner : Ms.S.S.Jhothivani

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

ORDER

Heard Ms.S.S.Jhothivani, learned counsel for the petitioner and Mr.P.Sathish, learned Additional Government Pleader for the respondents.

2.The petitioner herein had given a representation to the respondents on 03.10.2022 requesting them not to issue patta for the poramboke lands, situated on the eastern side of her land as the same is the only way to approach her land for doing cultivation. Since the said representation was not 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 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 03.10.2022, 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.



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5.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.

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

vga



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