



W.P.No.7741 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.7741 of 2023

K.Muthusamy

...Petitioner

Vs

1.The District Collector,
District Collectorate,
Salem, Salem District.

2.The Revenue Divisional Officer,
Suramangalam,
Salem District.

3.The Tahsildar,
Taluk Office,
Kannankurichi Main Road,
Hasthampatti, Salem - 636 007.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent herein to implement the order of the 2nd respondent (Revenue Divisional Officer) dated 27.12.2021 made in Na.Ka.No.2744/2021/Aa3 enabling the petitioner to use the car track in S.F.No.36/2 of Santhiyur Village, Salem District, as directed by the Revenue Divisional Officer.



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For Petitioner : Mr.D.Selvaraju

For Respondents : Mr.P.Sathish
Additional 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 prayer in the present Writ Petition is for a direction to the third respondent to implement the order passed by the second respondent dated 27.12.2021 enabling the petitioner to use the cart-track. In this regard, the petitioner has also given a representation to the respondents on 15.04.2021. The said representation has not been considered till date.

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



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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 third respondent herein to consider the petitioner's representation dated 15.04.2021, in the light of the order passed by the second respondent herein dated 27.12.2021, 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 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.

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Index: Yes/No
Speaking order/Non-speaking order
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M.S.RAMESH,J.

hvk

To

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