



W.P.No.8012 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.8012 of 2023

N.Kandasamy

...Petitioner

Vs

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

2.The District Revenue Officer,
Office of Collectorate,
Salem District.

3.The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Attur Town and District.

4.The Tahsildar,
Office of Tahsildar,
Thalaivasal Taluk, Salem District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent authorities to rectify the mistake in the FMB with regard to the petitioner's property in Survey No.319/3A1 and 319/3A2 in Siruvachur South Village,



W.P.No.8012 of 2023

Thalaivasal Taluk, Salem District by disposing of the petitioner's representation dated 09.02.2023 and the same within a time frame.

For Petitioner : Mr.A.Rajakumar
For Respondents : Mr.R.P.Murugan Raja
Government Advocate

ORDER

With the consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given a representation to the respondents on 09.02.2023, seeking for rectification of mistake in the FMB. Since the said representation was not 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



W.P.No.8012 of 2023

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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 first respondent herein to consider the petitioner's representation dated 09.02.2023, 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 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 own merits.

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

No costs.

16.03.2023

Index: Yes/No
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W.P.No.8012 of 2023

M.S.RAMESH,J.

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