



WEB COPY



W.P.No.8165 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.8165 of 2023

Durairaj

...Petitioner

Vs

1.The Commissioner,
Land Administration Department,
Chepauk, Chennai - 600 005.

2.The District Collector,
Ariyalur District,
Ariyalur.

3.The Revenue Divisional Officer,
Ariyalur District,
Ariyalur.

4.The Tahsildar,
Ariyalur District,
Ariyalur.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider and pass orders on the representation of the petitioner dated 14.09.2022 requesting the respondents to issue patta in Survey No.447, Ariyalur.



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For Petitioner : Mr.V.Illanchezian

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

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 first and second respondents on 14.09.2022, seeking for issuance of patta. 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 them to consider the same on its own merits and pass appropriate orders in one way or the 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



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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 14.09.2022, 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 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 ordered. No costs.

15.03.2023

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

hvk

To

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