



W.P.No.8031 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.04.2023

CORAM

THE HONOURABLE Mr. JUSTICE M.S.RAMESH

W.P.No.8031 of 2023

Kanniammal

.. Petitioner

Vs.

1.The District Collector
Erode, Erode District

2.The Revenue Divisional Officer
Gobichettipalayam
Erode District

3.The Tahsildar
Gobichettipalayam
Erode District

4.The Executive Officer
Kolappalur Town Panchayat
Gobichettipalayam
Erode District

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of Mandamus, directing the 3rd respondent to consider the petitioner representation dated 26.07.2022 for issuance of patta in respect of natham land measuring to an extent of 1½ cents comprised in S.No.741/2 situated at Kolappalur Village, Gobichettipalayam, Erode District.



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For Petitioner : Mr.K.Myilsamy
For R1 to R3 : Mr.P.Sathish
Additional Government Pleader
For R4 : Mr.M.Rajendiran
Additional Government Pleader

ORDER

Heard Mr.K.Myilsamy, learned counsel for the petitioner as well as Mr.P.Sathish, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.M.Rajendiran, Additional Government Pleader appearing for the 4th respondent.

2. The petitioner herein had given a representation to the 3rd respondent on 26.07.2022 seeking issuance of patta in respect of natham land measuring to an extent of 1½ cents comprised in S.No.741/2, Kolappalur Village, Gobichettipalayam, Erode District. 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 him to consider the same on its own merits and pass appropriate orders in one way



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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 3rd respondent herein to consider the petitioner's representation dated 26.07.2022, 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 three months 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.

With the above direction, the Writ Petition stands disposed of.
No costs.

20.04.2023

Index : Yes/No
Neutral Citation : Yes/No
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M.S.RAMESH, J.

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To

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