



W.P.No.10129 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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- 1.Sivashanmuga Sundar
- 2.Ramesh
- 3.Emanuel
- 4.Hemalatha
- 5.Siva Kumar
- 6.Saravana Kumar
- 7.Saravanan
- 8.Vedhavalli
- 9.J.B.Satishkumar
- 10.R.Selvi
- 11.Ariyal
- 12.Vijayalakshmi
- 13.T.Rajkumar
- 14.Sharadha
- 15.Laiqkhan
- 16.M.Balaraman
- 17.B.Chitra
- 18.P.Saravanan
- 19.Manikanadan
- 20.K.C.Saravanan

...Petitioners

Vs

- 1.The District Collector,
Thiruvallur District.



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2.The District Revenue Officer,
Thiruvallur District.

3.The Revenue Divisional Officer,
Thiruvallur District.

4.The Thasildhar,
Thiruvallur Taluk, Thiruvallur District.

5.Kesavan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent herein to conduct enquiry and pass orders on merit by considering the petitioners' representation dated 13.05.2022 and as per the report of the 4th respondent dated 02.08.2022 and thereby recall the order dated 24.03.2019 passed without notice to the petitioners and consequently re-issue patta to the petitioners for the property situated in Old S.No.131/1B and New S.No.131/AB10A1A1, at Balamurugan Nagar, Mettu Kuppam, Vananagram, Chennai - 95.

For Petitioners : Mr.M.R.Kuyilan

For R1 to R4 : Mr.Yogesh Kannadasan,
Special Government Pleader



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ORDER

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Heard Mr.M.R.Kuyilan, learned counsel for the petitioners and Mr.Yogesh Kannadasan, learned Special Government Pleader for the respondents 1 to 4.

2. Since this Court is directing the second respondent to consider the petitioners' representation, after giving due opportunity to the fifth respondent herein, notice to the fifth respondent is dispensed with.

3. The 18th petitioner herein, on behalf of all the petitioners, had given a representation to the second respondent on 13.05.2022 to conduct enquiry and re-issue patta in the petitioners' names for the property situated in Old S.No.131/1B and New S.No.131/AB10A1A1, Balamurugan Nagar, Mettu Kuppam, Vanagram, Chennai - 95. Since the said representation was not considered, the present Writ Petition has been filed.

4. 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



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consider the representation 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.

5. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioners' representation dated 13.05.2022, in the light of the report submitted by the fourth respondent herein dated 02.08.2022, after giving due opportunity to the petitioners and the fifth respondent herein, 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. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioners and that it is open to the concerned respondent to consider the same on its own merits.



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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

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To

1. The District Collector,
Thiruvallur District.
2. The District Revenue Officer,
Thiruvallur District.
3. The Revenue Divisional Officer,
Thiruvallur District.
4. The Thasildhar,
Thiruvallur Taluk, Thiruvallur District.



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M.S.RAMESH,J.

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