



W.P.No.8927 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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K.Karthik

...Petitioner

Vs

- 1.The Settlement Officer,
Office of the Director of
Settlement & Survey House,
Survey House Building,
Chepauk, Chennai - 600 005.
- 2.The Assistant Settlement Officer (South),
Office of the Director of
Settlement & Survey House,
Survey House Building,
Chepauk, Chennai - 600 005.
- 3.The Special Tahsildar,
Land Settlement and Survey,
Komarapalayam Town,
Tiruchengode Taluk,
Namakkal District.
- 4.The Tahsildar,
Komarapalayam Town,
Tiruchengode Taluk,
Namakkal District.



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5.C.Sukumar

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 3 and 4 to conduct re-enquiry as per the direction of the 2nd respondent's order passed in Na.Ka.I2/4793/2016 dated 09.03.2017 in respect of the petitioner's vacant land to an extent of 1.85 Acres, comprised in S.No.18 (Bimash No.35/5), Ward-B, Block No.28, Kumarapalayam Town, Tiruchengode, Namakkal District, thereby deleting/removing the name of the 5th respondent in Patta No.4805, within a stipulated time.

For Petitioner : Mr.N.Vijaya Basker

For R1 to R4 : Mr.V.Veluchamy,
Additional Government Pleader

ORDER

Heard Mr.N.Vijaya Basker, learned counsel for the petitioner and Mr.V.Veluchamy, learned Additional Government Pleader for the respondents 1 to 4.

2. Since this Court is directing the fourth respondent to consider the petitioner's representations, after giving due opportunity to the fifth respondent, notice to the fifth respondent is hereby dispensed with.



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3. The prayer sought for in the present Writ Petition is to direct the respondents 3 and 4 to conduct re-enquiry, in the light of the order passed by the second respondent dated 09.03.2017, in respect of the petitioner's vacant land to an extent of 1.85 Acres, comprised in S.No.18 (Bimash No.35/5), Ward-B, Block No.28, Kumarapalayam Town, Tiruchengode, Namakkal District, thereby deleting/removing the name of the fifth respondent in Patta No.4805. In this regard, the petitioner had given representations on 29.07.2022 and 29.08.2022 to the second and third respondents respectively. Thereafter, the third respondent had sent a communication to the fourth respondent directing him to take action on the petitioner's representations. Since there was no further progress, the petitioner has preferred the present Writ Petition.

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 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 Court will be justified in



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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 fourth respondent to consider the petitioner's representations, in the light of the order dated 09.03.2017 passed by the second respondent, after giving due opportunity to the petitioner, as well as the fifth respondent herein, 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 made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

6. With the above directions, the Writ Petition stands disposed of.

No costs.

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Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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