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W.P.No.8661 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.8661 of 2023

B.Ibrahim

...Petitioner

Vs

- 1.The District Collector,
Office of the District Collector,
Perambalur District.
- 2.The Revenue Divisional Officer,
Office of the District Revenue Officer,
Perambalur Taluk,
Perambalur District - 621 212.
- 3.The Thasildhar,
Office of the Thasildhar,
Perambalur Taluk & District.
- 4.The Revenue Inspector,
Office of the Revenue Inspector,
Perambalur Taluk & District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to consider and dispose of the petitioner's representation dated 01.10.2021 given before the 2nd respondent and now pending before the 4th respondent to reconveyance the property in Survey No.381/5.



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For Petitioner : Mr.E.D.Sethupathi

For Respondents : Mr.Murugan Raja,
Government Advocate

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioner had given a representation dated 01.10.2021 to the second respondent seeking for redemption of the property in Survey No.381/5. The second respondent had forward the said representation to the third respondent, who in turn had directed the fourth respondent to survey the subject land. Since there was no further progress, the petitioner has preferred the present Writ Petition.

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 or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would



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amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the 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 second respondent herein to consider the petitioner's representation dated 01.10.2021, on its own merits and 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 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 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.

20.03.2023

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

hvk

To

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