IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.9222 of 2023
& WMP.No.9339 of 2023

D.Chithra ...Petitioner

Vs

1.The District Collector,
Collectorate Office,
Kallakurichi.

2.The Tahsildar, Chinna Salem Taluk,
Kallakurichi District.

3.S.Deivanayagam
4.A.Venkatesan
5.Gunasundari ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent not to issue patta in favour of 4th and 5th respondents with respect to the property comprised in S.No.367A/1 (Natham Land Tax Scheme S.No. 367A/1A and New Natham land Tax Scheme R.S.No.367A/1A) measuring 523 1/5 sq.ft, S.No.360/1 measuring 130 1/2 Sq.Ft, S.No. 360/1 (Natham Land Tax Scheme S.No.360/1A2 and New Natham Land Tax Scheme R.S.No.300/1A2A) measuring 130 1/2 sq.ft and Survey No.

357 measuring 430 Sq.ft (Natham Land Tax scheme R.S.No.961/16B) situated at Chinna Salem, Chinna Salem Taluk and Kallakurichi District based on the petitioner's representation dated 03.02.2023.

For Petitioner	: Mr.S.N.Subramani for Ms.S.Vinodha
For Respondents 1 & 2	: Mr.V.Veluchamy, Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for the official respondents. Since this Court is directing respondents 1 and 2 to consider the petitioner's representation after giving notice to all the parties concerned, notice to the private respondents is dispensed with.

2. The petitioner herein had given a representation dated 03.02.2023 to respondents 1 and 2 and other officials not to issue patta in favour of 4th and 5th respondents with respect to the property comprised in S.No.367A/1 (Natham Land Tax Scheme S.No.367A/1A and New Natham land Tax Scheme R.S.No.367A/1A) measuring 523 1/5 sq.ft, S.No.360/1 measuring 130 1/2 Sq.Ft, S.No. 360/1 (Natham Land

Tax Scheme S.No.360/1A2 and New Natham Land Tax Scheme R.S.No.300/1A2A) measuring 130 1/2 sq.ft and Survey No. 357 measuring 430 Sq.ft (Natham Land Tax scheme R.S.No.961/16B) situated at Chinna Salem, Chinna Salem Taluk and Kallakurichi District. Since the said representation has not yet been considered, the 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 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 directing respondents 1 and 2 to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to respondents 1 and 2 herein to consider the petitioner's representation

dated 03.02.2023, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the private respondents herein, 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 respondents 1 and 2 to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, the connected WMP is closed.

27.03.2023

Index:Yes/No
Speaking order/Non-speaking order

To
1.The District Collector,
Collectorate Office,
Kallakurichi.

2.The Tahsildar, Chinna Salem Taluk,
Kallakurichi District.

RS/SNI

M.S.RAMESH,J.

RS/SNI

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