



WEB COPY



W.P.No.10605 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.4.2023

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10605 of 2023

Kuppammal

...Petitioner

Vs

1.The District Collector,
Salem District, Salem.

2.The Revenue Divisional Officer,
Salem District, Salem.

3.The Tahsildar, Gangavalli Taluk,
Gangavalli, Salem District.

4.Rajammal

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to conduct appropriate enquiry pursuant to the petitioner's representation dated 21.03.2022 complying with the direction issued by the 2nd respondent and pass appropriate orders in a manner known to law within a stipulated time.

For Petitioner

: Mr.T.P.Prabakaran

For Respondents 1 to 3

: Mr.V.Veluchamy,

Additional Government Pleader



W.P.No.10605 of 2023

ORDER

WEB COPY

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

2. The petitioner herein had given a representation dated 21.3.2022 to respondents 2 and 3 seeking to cancel the alleged fraudulent patta obtained by the fourth respondent by creating forged documents and to issue patta in favour of the petitioner and her son and daughters with regard to the lands in S.No.617/3 measuring an extent of 0.75.5 hectare and S.No.618/9 measuring an extent of 0.16.0 hectare situated at Naduvallur Village, Gangavalli Taluk, Salem District. Since the said representation has not yet been considered, the above 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



W.P.No.10605 of 2023

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 direct him to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation dated 21.03.2022, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the private respondent 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 the concerned respondent to consider the same on its own merits.



W.P.No.10605 of 2023

M.S.RAMESH,J.

RS/hvk

5. With the above direction, the Writ Petition stands disposed of.

No costs.

05.4.2023

Index:Yes/No

Speaking order/Non-speaking order

To

- 1.The District Collector,
Salem District, Salem.
- 2.The Revenue Divisional Officer,
Salem District, Salem.
- 3.The Tahsildar, Gangavalli Taluk,
Gangavalli, Salem District.

W.P.No.10605 of 2023