



WEB COPY



W.P.No.11937 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11937 of 2023

V.Pauldas
Advocate/Court Receiver
Khan Sahib Mehdi Hussain
Sahib Wakf Estate,
No.83/106, Perambur High Road Lane,
Jamalia, Chennai – 600 012.

...Petitioner

Vs

1.The Assistant Revenue Officer,
13th Zone, Greater Corporation of Chennai,
115, Dr.Muthulakshmi Road,
Chennai – 600 020.

2.B.Vanishree

3.B.Balaji

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to dispose of the representation dated 05.08.2021 filed by the petitioner within the reasonable time.

For Petitioner	: Mr.M.L.Ganesh
For R1	: Mr.P.Prithivi Chopda



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ORDER

Heard Mr.M.L.Ganesh, learned counsel for the petitioner and Mr.P.Prithivi Chopda, learned counsel for the first respondent.

2.Since this Court is directing the first respondent to consider the representation made by the petitioner, after giving due opportunity to the respondents 2 and 3 herein, notice to the private respondents is hereby dispensed with.

3.The petitioner herein had given a representation to the first respondent on 05.08.2021 to change the name of property tax and other taxes for the building bearing No.112/9, Sardhar Patel Road, Adayar, Chennai – 600 020 in the name of Khan Sahib Mehdi Hussain Sahib Wakf Estate. 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 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 the Constitution of the 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 first respondent herein to consider the petitioner's representation dated 05.08.2021, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 2 and 3 herein, within a period of three months 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.



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M.S.RAMESH,J.

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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

hvk

To

The Assistant Revenue Officer,
13th Zone, Greater Corporation of Chennai,
115, Dr.Muthulakshmi Road,
Chennai – 600 020.

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