



W.P.No.8854 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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Saravanan

...Petitioner

Vs

- 1.The District Collector,
Dharmapuri District,
Dharmapuri.
- 2.The District Revenue Officer,
Dharmapuri District,
Dharmapuri.
- 3.The Revenue Divisional Officer,
Dharmapuri District,
Dharmapuri.
- 4.The Tahsildar,
Nallampalli Taluk,
Dharmapuri District.
- 5.Velu

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 3rd respondent to complete the enquiry and cancel the joint patta issued in patta No.4893



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dated 22.08.2022 in Survey No.190/1A, to the extent of 0.40.5 hectare situated in Adhiyamankottai Village, Nallampalli Taluk, Dharmapuri District, pursuant to the representation dated 10.09.2022 within the stipulated time.

For Petitioner : Mr.J.Pradeep

For R1 to R4 : Mr.P.Sathish,
Additional Government Pleader

ORDER

Heard Mr.J.Pradeep, learned counsel for the petitioner and Mr.P.Sathish, learned Additional Government Pleader for the respondents 1 to 4.

2. Since this Court is directing the first respondent to dispose of the petitioner's representations, after giving due opportunity to the fifth respondent, notice to the said respondent is dispensed with.

3. The petitioner herein had given a representation to the first and third respondents on 10.09.2022 and 03.11.2022 to complete the enquiry and cancel the joint patta issued in Patta No.4893 dated 22.08.2022 in Survey No.190/1A, to the extent of 0.40.5 hectare situated



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in Adhiyamankottai Village, Nallampalli Taluk, Dharmapuri District.

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Since the said representations were 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 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 them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representations dated 10.09.2022 and 03.11.2022, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the fifth and sixth respondents herein, as well as all other persons who may be interested in the subject property, within a



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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.

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

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To

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M.S.RAMESH,J.

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