



W.P.No.11251 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.4.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11251 of 2023

1.Subramaniyan
2.Ammasaignounder
3.Kumarasami

...Petitioners

Vs

1.The District Collector,
Erode District, Erode.

2.The Tahsildar, Nambiyur
Taluk Office, Erode District.

3.The Sub-Registrar, Nambiyur
Sub-Registrar Office,
Nambiyur, Erode District.

4.Rangasamy
5.Balasubramanian
6.Palaniyammal
7.Thangavel
8.Thanasekaran

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent herein not to entertain any type of documents placed for registration by the respondents herein with regard to



W.P.No.11251 of 2023

Survey No.	Extent	Situated in S.No.
75/10	2.23.50	5.74 1/2 (commonly)
75/5	0.06.00	0.15
76/1	0.60.50	0.67 3/4 (commonly)
76/4	0.36.00	0.88 1/2
76/5	0.10.50	0.25 1/2
76/6	1.32.50	3.27 1/4

in Nambiyur Village and Taluk pursuant to the representation dated 30.01.2023.

For Petitioners : Mr.T.Muruganantham

For Respondents 1 to 3 : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

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

2. The petitioners have filed this writ petition seeking a direction to the third respondent to consider their grievance expressed through an



W.P.No.11251 of 2023

WEB COPY

advocate by the legal notice dated 30.01.2023 for not entertaining any type of documents for registration with regard to certain survey numbers.

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 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 petitioners' grievance expressed through the legal notice dated 30.01.2023, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioners and the private respondents herein, as well as all other persons who may be interested in the subject property, as expeditiously as possible. It is made clear that this Court has not



W.P.No.11251 of 2023

expressed any of its views with regard to the merits of the claim of the petitioners 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.

13.4.2023
2/2

Index:Yes/No

Speaking order/Non-speaking order

To

1.The District Collector,
Erode District, Erode.

2.The Tahsildar, Nambiyur
Taluk Office, Erode District.

3.The Sub-Registrar, Nambiyur
Sub-Registrar Office,
Nambiyur, Erode District.

RS/SNI



WEB COPY



W.P.No.11251 of 2023

M.S.RAMESH,J.

RS/SNI

W.P.No.11251 of 2023

13.4.2023

2/2