



W.P.No.10054 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10054 of 2023

G.Banumathi

...Petitioner

Vs

1.The District Collector,
Erode District, Erode.

2.The District Revenue Officer,
Erode District, Erode.

3.The Revenue Divisional Officer,
Erode.

4.The Tahsildar,
Perundurai,
Erode District.

5.The Revenue Inspector,
Perundurai,
Erode District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 to 4 to implement the order dated 28.11.2019 in Na.Ka.9598/2018/A5 passed by



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the 4th respondent for laying the road in respect of the properties comprised in R.S.No.455/3 and R.S.No.455/4 situated at Thingalur Village, Perundurai Taluk, Erode District, enabling the petitioner to reach her land within a stipulated time.

For Petitioner : Mr.C.S.Saravanan

For Respondents : Mr.P.Sathish,
Additional Government Pleader

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given representations to the Special Officer, Chief Minister's Grievance Cell on 22.11.2021 and 07.07.2022 to take action on the petition submitted for sub-division of the land and to classify the same as Pathway. Thereafter, by way of a communication dated 13.07.2022, the fourth respondent herein had informed the petitioner that the action taken report has been sent to the third respondent herein. However, since there was no further progress, the petitioner has preferred the present Writ Petition.



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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 them 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 representations, in the light of the proceedings of the fourth respondent dated 28.11.2019, after giving due opportunity to the petitioner, 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.



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M.S.RAMESH,J.

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5. 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

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