



WEB COPY



W.P.No.9887 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.9887 of 2023
and W.M.P.No.9949 of 2023

K. Venkatamuni

... Petitioner

Vs.

1.The District Collector,
Vellore District,
Vellore.

2.The Special Tahsildar (ADW),
Gudiyatham Taluk,
Gudiyatham,
Vellore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents from interfering and taking possession of petitioner's land in S.No.31, 31/2, Pichanoor Village, Gudiyatham Taluk, Vellore District, without due process of law.

For Petitioner : Mr.D. Rajagopal

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



W.P.No.9887 of 2023

ORDER

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Mr.P. Sathish, learned Additional Government Pleader, takes notice for the respondents. With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given a representation to the first respondent on 06.03.2023, seeking for a direction to the second respondent not to interfere into the petitioner's land. Since the said representation was not considered, the present 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 them 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.



W.P.No.9887 of 2023

WEB COPY

4. In the light of the above observations, there shall be a direction to the first respondent, to consider the petitioner's representation dated 06.03.2023, on its own merits and pass appropriate orders in accordance with law, 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 eight (8) 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.

5. With the above direction, the Writ Petition stands disposed of.
No costs. Connected miscellaneous petition is closed.

30.03.2023

Speaking/Non-speaking Order
Internet: Yes/No
Index: Yes/No
Neutral Citation: Yes/No

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W.P.No.9887 of 2023

M.S.RAMESH, J.

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To

- 1.The District Collector,
Vellore District,
Vellore.
- 2.The Special Tahsildar (ADW),
Gudiyatham Taluk,
Gudiyatham,
Vellore District.

W.P.No.9887 of 2023

30.03.2023