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W.P.No.9797 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.9797 of 2023

A. Noorjahan

... Petitioner

Vs.

- 1.The Commissioner of Land Administration,
Ezhilagam, Chepuak,
Chennai – 600 005.
- 2.The District Collector,
Coimbatore District,
Coimbatore.
- 3.The District Revenue Officer, (North)
Coimbatore.
- 4.The District Revenue Officer, (South)
Coimbatore.
- 5.The Revenue Divisional Officer,
Coimbatore North,
Coimbatore.
- 6.The Revenue Divisional Officer,
Coimbatore South,
Coimbatore.



W.P.No.9797 of 2023

7.The Assistant Settlement Officer (South),
Settlement Officer's Office,
3rd floor, Survey House,
Chepauk, Chennai – 600 005.

8.The Tahsildar,
Coimbatore (North),
Coimbatore – 18.

9.The Tahsildar,
Coimbatore (South),
Coimbatore District.

10.The Tahsildar,
O/o Tahsildar Office,
Mettupalayam,
Coimbatore District.

11.The Tahsildar,
Perur,
Coimbatore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to conduct an enquiry and pass orders on merits on petitioner's representation dated 15.09.2022 within the time frame to be fixed by this Court.

For Petitioner : Mr.B. Manimaran

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader



W.P.No.9797 of 2023

ORDER

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Mr.Yogesh Kannadasan, learned Special 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 respondents on 15.09.2022, seeking for cancellation of illegal pattas and for issuance of patta in her favour along with other legal heirs. 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.9797 of 2023

WEB COPY

4. In the light of the above observations, there shall be a direction to the second respondent, to consider the petitioner's representation dated 15.09.2022, 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.

30.03.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

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W.P.No.9797 of 2023

To

WEB COPY

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WEB COPY



W.P.No.9797 of 2023

M.S.RAMESH, J.

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W.P.No.9797 of 2023

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