



W.P.No.9803 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.9803 of 2023

A. Noorjahan

... Petitioner

Vs.

- 1.The Commissioner of Land Administration,
Ezhilagam, Chepuak,
Chennai – 600 005.
- 2.The District Collector,
Erode District,
Erode.
- 3.The District Revenue Officer,
Erode.
- 4.The Revenue Divisional Officer,
Erode.
- 5.The Revenue Divisional Officer,
Sathiyamangalam,
Erode District.
- 6.The Assistant Settlement Officer (South),
Settlement Officer's Office,
3rd floor, Survey House,
Chepauk, Chennai – 600 005.



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7.The Tahsildar,
Sathiyamangalam,
Erode District.

8.The Tahsildar,
Gopichettipalayam,
Erode District.

9.The Tahsildar,
O/o Tahsildar Office,
Bhavani Taluk,
Erode District.

10.The Tahsildar,
O/o Anthiyur Tahsildar Office,
Anthiyur Taluk,
Erode District.

11.The Tahsildar,
Erode,
Erode 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 03.09.2022 based on the letter No.R2/3188889/2022 dated 23.09.2022 on the file of the first respondent, within the time frame to be fixed by this Court.

For Petitioner : Mr.B. Manimaran

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader



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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 03.09.2022, seeking for cancellation of illegal pattas and for issuance of patta in her favour along with other legal heirs. Subsequently, the first respondent herein through his letter dated 23.09.2022, directed the third respondent to take necessary action on the petitioner's representation and thereafter, the second respondent has also directed the third respondent to initiate appropriate action on the petitioner's representation through his proceedings dated 18.11.2022. Since there was no further progress in the same, 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



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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, to consider the petitioner's representation dated 03.09.2022, 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.

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Speaking/Non-speaking Order

Index: Yes/No

Neutral Citation: Yes/No

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To

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M.S.RAMESH, J.

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