



W.P.No.12276 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.4.2023

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.12276 of 2023

R.Ramesh

...Petitioner

Vs

1.The Revenue Divisional Officer,
Mettur Taluk, Salem District.

2.The Thasildar, Mettur
Taluk, Salem District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 12.8.2021 and subsequently directing the respondents to issue a patta for the property comprised in Old Survey No.676F and Survey New No.930 situated at Karungalur, Village, Mettur Taluk, Salem District to an extent of 0.96.5 Ares.

For Petitioner : Mr.C.Deepak Kumar

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

ORDER

With the consent of both the parties, this Writ Petition is taken up



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for final disposal at the admission stage itself.

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2. The petitioner had given a representation dated 12.8.2021 to the respondents and other officials seeking to grant patta for the land comprised in Old Survey No.676F and Survey New No.930 situated at Karungalur, Village, Mettur Taluk, Salem District to an extent of 0.96.5 Ares. Since the said representation has not been considered, the writ petition has been filed.

3. It is seen from the typed set of papers that the petitioner's father purchased the said Government poramboke land from one Ms.Jeyammal, who was in adverse possession of the land in question, through an unregistered sale deed dated 24.11.1983 for a consideration of Rs.16,000/-. According to the petitioner, after the demise of the petitioner's father, his mother and sister executed a registered release deed dated 16.12.2019 before the Sub-Registrar, Kolathur, Salem vide Doc.No.3808 of 2019. Pursuant to that, the petitioner is in possession and enjoyment of the property in question by doing agriculture.



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4. 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.

5. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 12.8.2021 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 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

RS/SNI

6. With the above direction, the Writ Petition stands disposed of.

No costs.

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Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

To

1.The Revenue Divisional Officer,
Mettur Taluk, Salem District.

2.The Thasildar, Mettur Taluk, Salem District.

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