



WEB COPY



W.P.No.10789 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.4.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10789 of 2023

1.M.K.Narayanan

2.N.Lakshmi

3.M.K.Ananda Narayanan

...Petitioners

Vs

1.The State of Tamil Nadu, rep.
by its Secretary to Government,
Revenue & Disaster Management
Department, Secretariat,
Chennai-9.

2.The Principal Secretary/Special
Commissioner & Commissioner
of Urban Land Ceiling & Urban
Land Tax, O/o the Commissionerate
of Urban Land Tax, Ezhilagam,
Chepauk, Chennai-5.

3.The Assistant Commissioner,
Urban Land Tax, Thandayarpettai
Zone, 4th Floor, Kuralagam,
Chennai-108.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to consider the claims of the petitioners and pass orders on the



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representation of the petitioners dated 18.08.2022 within a reasonable time in regard to regularization of innocent purchaser's land as per the Government order in G.O.(Ms).No.565 Revenue (Na.Ni.U 1(1)) Department dated 26.09.2008 and also based on the similarly placed persons' land regularization orders in Na.Ka.No.5211/2015 (J3) dated 20.09.2016 and Na.Ka.No.1527/2016 (J3) dated 06.01.2020 of the 2nd respondent.

For Petitioners : Mr.K.Arumugam

For Respondents : Mr.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 petitioners herein had given a representation dated 18.8.2022 to the second respondent to regularize the land and issue patta in their names as per G.O.Ms.No.565 Revenue Department dated 26.09.2008. Since the said representation has not yet been considered, the above writ petition has been filed.



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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 him to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioners' representation dated 18.08.2022, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioners 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 petitioners and that it is open to the concerned respondent to consider the same on its own merits.



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RS/hvk

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

No costs.

10.4.2023

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Index: Yes/No

Speaking order/Non-speaking order

To

- 1.The State of Tamil Nadu, rep.
by its Secretary to Government,
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