



W.P.No.11038 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.4.2023

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11038 of 2023

1.Dr.A.Selvabharathy
2.Dr.M.Arulkumaran

...Petitioners

Vs

1.The District Collector,
Salem District, Salem.

2.The District Revenue Officer,
Salem District, Salem.

3.The Revenue Divisional Officer,
Salem District, Salem.

4.The Tahsildar, Salem West Taluk,
Salem District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to enter the petitioners' names in the Town Survey Land Register (TSLR) in respect of the property situated at Door No.48, Kalaimagal Street, Swarnapuri Layout, Alagapuram Village, Salem District a total extent of land measuring of 4,180 sq.ft comprised in survey Nos.91/1C and 91/2 as per present re-survey settlement in T.S.No.22, Block No.45, Ward D at Alagapuram Village, Salem West Taluk, Salem District bearing Tax



W.P.No.11038 of 2023

Assessment No.049/017/901186 (Old No.049/2085978) and Plot No.C 46 of Swarnapuri Co-operative House Building Society Ltd., (S.866) in view of the petitioners' representation dated 31.10.2022 within a limited time frame.

For Petitioners : Ms.Shabnam Banu

For Respondents : Mr.P.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 are owners of the property at door No.48, Kalaimagal Street, Swarnapuri Layout, Alagapuram Village, Salem District measuring an extent of 4,180 sq.ft., in old S.Nos.91/1C and 91/2. The petitioners herein had given a representation dated 31.10.2022 to the respondents to enter their names in the town survey land register, as, according to the petitioners, the fourth respondent wrongly classified the land owned by them as 'sarkkar poramboke' in the re-survey settlement in T.S.No.22, Block No.45, Ward D, Alagapuram Village, Salem West



W.P.No.11038 of 2023

Taluk, Salem District. Since the said representation has not yet been considered, the above writ petition has been filed.

3. It is seen from the typed set of papers that the first respondent forwarded the representation dated 31.10.2022 to the third respondent vide proceedings dated 08.11.2022.

4. It is needless to point out that whenever a representation of this nature is made to Statutory Authorities, 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 Authorities 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.

5. In the light of the above observations, there shall be a direction to respondents 1 and 3 herein to consider the petitioners' representation



W.P.No.11038 of 2023

dated 31.10.2022 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 eight 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 respondents to consider the same on its own merits.

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

No costs.

11.4.2023

2/2

Index:Yes/No

Speaking order/Non-speaking order

To

1.The District Collector, Salem District, Salem.

2.The District Revenue Officer, Salem District, Salem.

3.The Revenue Divisional Officer,
Salem District, Salem.

4.The Tahsildar, Salem West Taluk, Salem District.

RS/SNI



WEB COPY



W.P.No.11038 of 2023

M.S.RAMESH,J.

RS/SNI

W.P.No.11038 of 2023

11.4.2023
2/2