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W.P.No.11418 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11418 of 2023

T. Rajamani

... Petitioner

Vs.

1.The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Thillaipuram, Namakkal – 637 001.

2.The Tahsildar,
Padamudipalyam,
Paramathi Velur Taluk,
Namakkal District – 638 182.

3.The Regional Deputy Tahsildar,
O/o. The Tahsildar,
Paramathi Velur Taluk,
Namakkal District – 638 182.

4.The Revenue Inspector,
Jedarpalayam,
Namakkal District.

5.Mr.Vivekanandam,
Advocate,
Kabilar Malai,
Namakkal District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd and 3rd respondents to transfer the patta in the name of the petitioner regarding the property measuring to an extent of Acres 0.18.5 Cents in S.No.108/8D and to an extent of Acres 0.48 cents in S.No.108/9 comprised in Old Patta No.943 at Kabilakkurichi Village, Paramathivelur Taluk, Nammakkal District within a time to be stipulated by this Court by considering the petitioner's representation dated 04.04.2022.

For Petitioner : Mr.S. Giritharan

For R1 to R4 : Mr.P. Veluchamy,
Additional Government Pleader

ORDER

Heard Mr.S. Giritharan, learned counsel for the petitioner and Mr.P. Veluchamy, learned Additional Government Pleader, appearing for the respondents 1 to 4.

2. Since this Court is directing the second and third respondents to consider the petitioner's representation after giving due notice and opportunity to the fifth respondent, notice to the fifth respondent is hereby dispensed with.



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3. The petitioner herein had given a representation to the respondents 1, 2 & 4 on 04.04.2022, requesting the authorities to accept her application for transfer of patta. Since the said representation was not considered, the present Writ Petition has been filed.

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 the respondent 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.

5. In the light of the above observations, there shall be a direction to the second and third respondents, to consider the petitioner's representation dated 04.04.2022, on its own merits and pass appropriate



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orders in accordance with law, after giving due opportunity to the petitioner and the fifth respondent, as well as any other person who may be interested in the subject property, within a period of twelve (12) 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.

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

No costs.

13.04.2023

Speaking order/Non-speaking order

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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- To
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M.S.RAMESH,J.

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