



W.P.No.11548 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11548 of 2023

R.Sasirekha

...Petitioner

Vs

1.The Commissioner of Land Administration,
(In the rank of Additional Chief Secretary),
Ezhilagam, Chepauk,
Chennai – 600 005.

2.The District Collector,
Chengalpattu District,
Chengalpattu – 603 001.

3.The Revenue Divisional Officer,
Chengalpattu Revenue Division,
Chengalpattu,
Chengalpattu District – 603 001.

4.The Tashildar,
Chengalpattu Taluk,
Chengalpattu,
Chengalpattu District – 603 001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider



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the representation of the petitioner dated 18.03.2023 and direct the respondents to grant patta to the petitioner in respect of her land measuring about Acre 0.35 cents (15,324.5 sq.ft.) in Grama Natham Old Survey No.79/2, New Survey Nos.79/7 and 79/9 at No.220, Veerapuram Village, Chengalpattu Taluk and District, Chengalpattu Joint-II Sub-Registration District, Chengalpattu Registration District after re-classifying the same as “Natham Patta” as recommended by the respondents 2, 3 and 4 under the Proceedings dated 01.05.2012, 02.08.2013 and 12.02.2015 respectively.

For Petitioner : Mr.M.Ramamoorthi

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 petitioner herein had preferred a representation dated 18.03.2023 before the respondents for reclassification of the land and grant of patta to her land. Since the said representation was not considered, the present 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 them to consider the same within a stipulated time.

4.With the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 18.03.2023, on its own merits and pass appropriate orders in accordance with law, after giving notice and due opportunity to the petitioner as well as all other persons, who may be interested in the subject property, within a period of three months from the date of receipt of a copy of this order, in the light of the recommendation of the District Collector dated 12.02.2015.



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M.S.RAMESH,J.

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5.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.

18.04.2023

Index:Yes/No

Speaking order/Non-speaking order

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To

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