



W.P.No.11649 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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P.L.Purushothaman

...Petitioner

Vs

1.The Sub Collector,
Collectorate Office,
Thiruvallur District,
Thiruvallur.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Thiruvallur.

3.The Tahsildar,
Taluk Office,
Poonamallee,
Thiruvallur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus based on the recommendation of the third respondent dated 01.09.2022 directing the first respondent to cancel the patta in the name of Kongunadu Exports represented by its Partner Sengottaiyan and grant the patta for the property situated in



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Survey No.186/3B, Poovirundhavalli Taluk, Kannapalayam Village with an extent of 0.14.50 ares in the name of the petitioner, P.L.Purushothaman.

For Petitioner : Mr.V.Manohar

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 before the third respondent on 15.12.2018 for cancellation of patta in the name of Kongunadu Export represented by its Partner Mr.Sengottaiyan and issue the same in his name. Since the said representation was not considered, the present writ petition has been filed.

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,



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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 official respondents herein to consider the petitioner's representation dated 30.01.2023, 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 four weeks from the date of receipt of a copy of this order, in the light of the recommendations of the third respondent dated 01.09.2022.

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.



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M.S.RAMESH,J.

vga

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

No costs.

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Index:Yes/No

Speaking order/Non-speaking order

vga

To

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