



W.P.No.12338 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.4.2023

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.12338 of 2023

1.A.Kalavathi

2.Krishnammal

...Petitioners

Vs

1.The District Collector,
Salem District, Salem.

2.The Special Tahsildar, Backward
Classes & Minorities Welfare
Department, Omalur Taluk Office,
Salem District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioners dated 28.12.2022 and furnish the copy of the free house site patta already issued by the 2nd respondent in Plot Nos.48 and 156 situated at Samathuvapuram, MGR Colony, Tharamangalam Village, Omalur Taluk, Salem District to the petitioners.

For Petitioners : Mr.V.Elangovan

For Respondents : Mr.Murugan Raja,
Government Advocate



W.P.No.12338 of 2023

WEB COPY

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 have filed this writ petition seeking a direction to the respondents to consider their individual representations dated 28.12.2022 and furnish the copies of free house site patta already issued by the 2nd respondent in Plot Nos.48 and 156 situated at Samathuvapuram, MGR Colony, Tharamangalam Village, Omalur Taluk, Salem District to the petitioners.

3. It is needless to point out that whenever representations of this nature are made to a Statutory Authority, there is a duty cast upon him to consider the same on their own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representations 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.



W.P.No.12338 of 2023

WEB COPY

4. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioners' individual representations dated 28.12.2022 on their 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.

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

No costs.

21.4.2023

2/2

Index:Yes/No

Speaking order/Non-speaking order

RS/SNI



WEB COPY



W.P.No.12338 of 2023

M.S.RAMESH,J.

RS/SNI

To

- 1.The District Collector,
Salem District, Salem.
- 2.The Special Tahsildar, Backward
Classes & Minorities Welfare
Department, Omalur Taluk Office,
Salem District.

W.P.No.12338 of 2023

21.4.2023

2/2