



W.P.No.12167 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.4.2023

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.12167 of 2023

C.Baby

...Petitioner

Vs

1.The District Collector,
Office of the Collectorate,
Salem District.

2.The District Revenue Officer,
Office of the Collectorate,
Salem District.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional
Officer, Attur Taluk, Salem District.

4.The Tahsildar, Office of the
Tahsildar, Thalaivasal Taluk,
Salem District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent authorities to consider the petitioner's representation dated 27.03.2023 and direct the respondent authorities to show survey No.764/6 as common pathway/cart track by rectifying the mistake in the A-register and other revenue records within a time to be stipulated by this Court.



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For Petitioner : Mr.A.Rajakumar
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 had given a representation dated 27.03.2023 to the respondents to show survey No.764/6, Manivizhunthaan North Panchayat, Ramaseshapuram Village, as common pathway/cart track by rectifying the mistake in the A-register and other revenue records within a time to be stipulated by this Court. Since the said representation has not yet been considered, the above 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, non-consideration of the representation by the Statutory Authority would



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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.

4. In the light of the above observations, there shall be a direction to the fourth respondent herein to consider the petitioner's representation dated 27.03.2023, 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 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 petitioner 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.

20.4.2023

Index: Yes/No

Speaking order/Non-speaking order



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M.S.RAMESH,J.

RS/hvk

To

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