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W.P.No.12111 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.12111 of 2023

1.S.Seeralan

2.S.Kumuthavalli

...Petitioners

Vs

1.The Secretary to Government,
Housing & Urban Development
Department, Government of
Tamil Nadu, Secretariat,
Chennai-9.

2.The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai, Nandanam,
Chennai-35.

3.The Executive Engineer &
Administrative Officer,
K.K.Nagar Division,
Tamil Nadu Housing Board,
C-48, TNHB Commercial
Complex, Anna Nagar,
II Avenue, Chennai-40.

4.The Special Tahsildar,
Tamil Nadu Housing Board,
K.K.Nagar Division, Chennai.

5.The Tahsildar, Maduravoyal Taluk,
Nolambur, Chennai 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 5th respondent to consider and pass order on the petitioners' representation dated 20.03.2023 for issuance of patta to the petitioners' land measuring 2400 sq.ft in S.No.327 part, situated at Govardhana Nagar, Nerkundaram Village, Maduaravoyal Taluk, Chennai District and house thereon lying within the Registration District of Chennai South and Sub-Registration District of Virugambakkam.

For Petitioners	: Mr.A.Ilayaperumal
For Respondents 1, 4 & 5	: Mr.S.Silambannan, AAG assisted by Mr.Yogesh Kannadasan, Special Government Pleader
For Respondents 2 & 3	: Mr.A.M.Ravindranath Jeyapal

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 had given a representation dated 20.03.2023 to the fifth respondent seeking to issue a separate patta for the property in S.No.327 part, situated at Govardhana Nagar, Nerkundaram Village,



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Maduaravoyal Taluk, Chennai District measuring 2400 sq.ft. Since the said representation has not yet been considered, this 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 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 fifth respondent herein to consider the petitioners' representation dated 20.03.2023, on its 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 eight weeks from the date of receipt of a copy of this



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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.

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Index:Yes/No

Speaking order/Non-speaking order

To

- 1.The Secretary to Government, Housing & Urban Development Department, Government of Tamil Nadu, Secretariat, Chennai-9.
- 2.The Managing Director, Tamil Nadu Housing Board, No.493, Anna Salai, Nandanam, Chennai-35.
- 3.The Executive Engineer & Administrative Officer, K.K.Nagar Division, Tamil Nadu Housing Board, C-48, TNHB Commercial Complex, Anna Nagar, II Avenue, Chennai-40.
- 4.The Special Tahsildar, Tamil Nadu Housing Board, K.K.Nagar Division, Chennai.
- 5.The Tahsildar, Maduravoyal Taluk, Nolambur, Chennai District.

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M.S.RAMESH,J.

RS/hvk

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