



W.P.No.12264 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.4.2023

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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Tmt.Sarasa

...Petitioner

Vs

1.The District Collector,
Office of the District Collector,
Puducherry.

2.The Tahsildar, Mudaliarpeta,
Puducherry.

3.The Tahsildar-I, Department of
Survey & Settlement,
Puducherry.

...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 representations of the petitioner dated 13.3.2023 and 21.3.2023 to correct the boundary in the FMB sketch by including the total extent of 1080 sq.ft., in the petitioner's property in S.No.145/12 situated at Manaveli Village, Puducherry as mentioned in the documents viz. 1. Patta 2. sale deed in D.No.4783 dated 04.3.2019 and 3. settlement deed in D.No.1231 dated 23.7.2020.



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For Petitioner : Mr.V.Elangovan

For Respondents : Ms.Akila Rajendran,
Government Advocate

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 given a representation dated 13.3.2023 to respondents 2 and 3 and another representation dated 21.3.2023 to the first respondent seeking to correct the boundary in the FMB sketch by including the total extent of 1080 sq.ft., in the petitioner's property in S.No.145/12 situated at Manaveli Village, Puducherry. 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,



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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 him to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to respondents 2 and 3 herein to consider the petitioner's representation dated 13.3.2023 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.

21.4.2023

RS/SNI



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M.S.RAMESH,J.

RS/SNI

Index: Yes/No

Speaking order/Non-speaking order

To

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