



W.P.No.13549 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.13549 of 2023

Chinnayya

...Petitioner

-Vs-

1. The District Collector,
Krishnagiri,
Krishnagiri District.
2. The Sub-Collector,
Hosur,
Krishnagiri District.
3. The Thasildar,
Soolagiri Taluk,
Krishnagiri District.
4. M/s. Nadira Real Estate Pvt Limited
Rep. by its Authorized Person
Mr. P.Sathish Kumar,
15, Bannerghatta Road,
4th Floor, 3rd Phase,
J.P. Nagar, Bangalore.

...Respondents



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Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 24.02.2023 requesting to cancel the patta Nos.794 issued to the 4th respondent in respect of petitioner's lands comprised in Survey No. 39/1A, 1B, 1C and 2A of Attagurukki Revenue Village, Soolagiri Taluk, Krishnagiri District.

For Petitioner : M/s.G.Sumitra for
Mr.K.Thiruvengadam

For Respondents :
(for R1 to R3) : Mr.P.Sanjay Gandhi, GA

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 to 3 to consider the petitioner's representation dated 24.02.2023 requesting to cancel the patta Nos.794 issued to the 4th respondent in respect of petitioner's lands comprised in Survey No. 39/1A, 1B, 1C and 2A of Attagurukki Revenue Village, Soolagiri Taluk, Krishnagiri District.



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2.The petitioner states that the agricultural lands comprised in old Paimas Survey No.4 of Rowthapalli Maja Kothur Village, Krishnagiri District, absolutely belonged to the father of the petitioner, late Ramachandhra Naidu, who had originally purchased the property by sale deed dated 05.01.1968. The petitioner states that he is in possession of the property.

3.The grievance of the petitioner is that patta has been granted in the name of one Nadira Real Estate Pvt. Ltd. Bangalore. In this regard, the petitioner submitted a representation to the District Collector and Tahsildar on 24.02.2023. Since the representation was not considered, the present writ petition is filed.

4.The representation submitted by the petitioner which is enclosed in page No.33 of the typed set of papers filed along with the writ petition reveals that no details are provided regarding the purchase of property by the father of the petitioner nor the relevant documents are enclosed along with the representation. The ten line representation indicates that there is no possibility of effective adjudication of issues regarding the allegation raised.



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5. For grant or cancellation of patta, a proper application is to be filed along with the relevant documents by paying the prescribed fee. Mere representation would be insufficient and the authorities may not be in a position to deal with the issues in an appropriate manner.

6. Curiously, the 10 line representation is dated 24.02.2023, the postal registration receipt which is enclosed in page no.34 reveals that the said representation was sent to the respondents on 03.04.2023 in the High Court building Post Office. The trend of typing the representations by putting ante date and sending the representation through the High Court building Post Office, and filing the writ petition next day and obtaining an order to dispose of the representation would lead to an unconstitutionality.

7. Issues are to be adjudicated on merits at all circumstances. Even for issuing a direction to dispose of the representation, the parties are bound to establish their right. In the absence of any such right, no such direction can be issued. The practice of preparing the representation and sending it through the High Court building Post Office and then filing a writ petition would lead to an anomalous situation wherein the officials



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would not be in a position to know about the representation or the allegations raised therein. Thereafter, the contempt petitions are filed, then the authorities are running pillar to post and subsequently getting the copy of the representation and passing orders in a hurried manner without adjudicating the issues properly and by affording opportunity to the parties concerned.

8. Therefore, the redressal of grievances must be properly done in the manner known to law. Filing of a writ petition merely based on the representation which is drafted by putting ante date and sending the same through the Post Office just before the date of filing of the writ petition at no circumstances be encouraged by this Court. The Public authorities must be allowed to exercise their powers in a reasonable manner. They are already overburdened with public duties, which all are to be performed and in the event of issuing such directions to dispose of the representation indiscriminately, the same would cause unnecessary administrative inconvenience to the public authorities in performing their routine public duties. It is to be ensured that the grievances are presented before the proper authority and a reasonable time is to be granted to the authorities to consider the same and if they fail to exercise the power within a reasonable



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period, then alone a writ would lie, but not otherwise. Even in the Administrative Tribunals Act, six (6) months time has been contemplated for the purpose of disposing of the appeals by the competent authority in service related to grievances. After the expiry of the six (6) months period only, an application would lie even before the tribunals. Therefore, a reasonable time must be given to the authorities to deal with the issues. If they fail to deal with the issues within a reasonable period, then only the cause would arise for filing a writ petition.

9. Several writ petitions are filed without allowing the competent authority to deal with the matter. The parties are to be relegated to approach the authorities to redress their grievances in a proper manner. In the present case, the manner in which the representation sent was improper and it was sent through the Registered Post just before filing of the writ petition in the High Court building Post Office and thus, the writ petitioner is at liberty to file an appropriate application for redressal of his grievances in the manner known to law.



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10. Accordingly, the writ petition stands **disposed of** . No costs.

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(sha)

28.04.2023

Index : Yes

Speaking Order

Neutral Citation : Yes

To

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S.M.SUBRAMANIAM. J.,

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