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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WP No.19107 of 2023

R.Krishnamurthy

...Petitioner

Vs

1.The State rep. by its

The Secretary Corporation Administrative Officer,
No.100, Santhome High Road,
Mulliam Nagar, Raja Annamalaipuram,
Chennai – 600 004.

2.The Salem Corporation Commissioner,
Salem District,
Salem – 636 001.

3.The Executive Engineer,
Salem Corporation,
Salem – 636 001.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd and 3rd respondents to pass appropriate orders based on the application submitted by the petitioner and to consider the representation dated 02.06.2023 and to declare the land situated in Ayyamperumampatti Village, Salem taluk and District which comprised in Survey No.94/1 with Sun Division S.No.94/1B having Patta



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No.84 and S.No.94/1B2C having Patta No.584 measuring to an extent of 4635.25 Sq.ft has been purchased by the petitioner vide Sale Deed Doc.No.5412/2010, dated 10.12.2010 respectively registered on the file of Joint SRO, Salem West on payment of the necessary fees as directed by the Government within a time frame stipulated by this Court.

For Petitioner : Ms.V.Dhanalakshmi

For Respondents : Mr.C.Selvaraj
Additional Government Pleader for R1

Mrs.N.Devi
Standing Counsel for R2 and R3

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents to consider the representation made by the petitioner on 02.06.2023 and to grant approval.

2.Heard Ms.V.Dhanalakshmi, learned counsel appearing on behalf of the petitioner, Mr.C.Selvaraj, learned Additional Government Pleader appearing on behalf of the 1st respondent and Mrs.N.Devi, learned Standing Counsel appearing on behalf of the respondents 2 and 3.



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3. On carefully going through the representation dated 02.06.2023, this Court finds that it is completely bereft of details. That apart, there is no material to show that this representation was received by the 2nd and 3rd respondents. Even in the affidavit filed in support of the writ petition, it is not clear as to why the petitioner is seeking for an approval and the regulation under which such an approval is sought for. It is also not clear as to what is the purpose of asking for such an approval from the respondents.

4. This Court exercising in its jurisdiction under Article 226 of the Constitution of India cannot mechanically issue directions for a mere asking and even for issuing a writ of mandamus, the petitioner has to establish a legal right and the petitioner must also establish that there is a corresponding legal duty on the part of the authorities. In the absence of the same, a mandamus can never be issued. This is one such case where there is absolutely no clarity as to why the petitioner is seeking for an approval and for what purpose.

5. In the light of the above discussion, this Court is not inclined to entertain this writ petition on the ground of lack of clarity and it is left open



to the petitioner to make a fresh representation to the appropriate authority by clearly disclosing the purpose for which the approval is sought for and the law/regulation under which such an approval is sought for and why such an approval is sought for. If any such representation is made, the concerned authority shall deal with the same on its own merits and in accordance with law.

6.In the result, this writ petition stands dismissed in the above terms.

No Costs.

28.06.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
ssr

To

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N.ANAND VENKATESH, J

SSR

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