



WEB COPY



W.P.No.36273 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.36273 of 2023
and
W.M.P.No.36265 of 2023

1.K.Arul Jyothi
2.M.Elumalai

... Petitioners

versus

1. The District Revenue Officer,
Salem District Collectorate's Office Complex,
Salem District – 636 001.

2.The Thasildar,
Omalur & Taluk,
Salem District.

3.The Revenue Inspector,
Tharamangalam,
Salem District.

4.The Village Administrative Office,
Karungalwadi Village,
Omalur Taluk,
Salem District – 636 013.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying
to issue a Writ of Mandamus, directing respondents 1 to 4 to include the

Pg.Nos.1/6



W.P.No.36273 of 2023

cart passage in the local area FMB as per the petitioner's representation dated 02.08.2023.

For Petitioners : Ms.M.Prabavathy
For Respondents : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

ORDER

Mr.R.U.Dinesh Rajkumar, learned Additional Government Pleader accepts notice for the respondents. By consent of both parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed seeking for a mandamus directing the respondents herein to consider the representation of the petitioners dated 02.08.2023, in and by which, they sought to include the cart passage mentioned in registered Sale Deed vide Doc.No.2158/2022, dated 23.03.2022, in the local area FMB.

3. The main grievance of the petitioners is that even though the representation has been made on 02.08.2023, till date the respondents have



W.P.No.36273 of 2023

not taken any action on the said representation.

WEB COPY

4. Despite a Circular dated 17.07.2023 having been issued by the Commissioner of Land Administration in Circular No.R1/2005632/2022, in which, time limit is fixed as six months to dispose of the application/revision/ representation/appeal, based on the directions issued by this Court in a batch of writ petitions in ***W.P.No.262 of 2018 [D.Tulasi Vs. The District Revenue Officer, Dharmapuri] etc.,*** the authority concerned has neither followed the directions of this Court nor the Circular dated 17.07.2023. Since time limit has been fixed for disposal of the same, if the authority concerned has received an application/revision/ representation/appeal, he has to process the same and fix an enquiry date, but cannot keep the same pending. In the present case, the petitioners have given the representation on 02.08.2023, but till date, the petitioners have not received any communication/notice from the authority concerned. Therefore, the petitioners approached this Court.

5.This Court, at this stage, is not expressing any view on the merits of the matter, as it is for the respondents to consider and decide the same on



W.P.No.36273 of 2023

merits and in accordance with law. Since the limited prayer sought for in this writ petition is for disposal of the representation, this Writ Petition is disposed of, directing the respondents to consider the representation of the petitioners dated 02.08.2023 and pass appropriate orders on merits and in accordance with law, after giving due opportunity of hearing to the petitioners as well as the rival claimants / interested parties if any, and after conducting enquiry, within the stipulated time as stated in Circular No.R1/2005632/2022, dated 17.07.2023. There shall be no order as to costs.

6. W.M.P.No.36265 of 2023 is ordered on payment of separate Court fees by each of the petitioners.

05.01.2024

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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WEB COPY



W.P.No.36273 of 2023

To

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W.P.No.36273 of 2023

P.VELMURUGAN, J.

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W.P.No.36273 of 2023

05.01.2024

Pg.Nos.6/6