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W.A.No.3544 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.A.No.3544 of 2023
and
C.M.P.No.28965 of 2023

1. The District Collector,
Collectorate Complex,
Krishnagiri, Krishnagiri District.

2. The Sub Collector,
Hosur, Krishnagiri District.

3. The Tahsildar,
Hosur, Krishnagiri District.

... Appellants/Respondents

Vs.

Lilly Devadoss

... Respondent / Petitioner

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 02.11.2023 made in WP No.31547 of 2023 in so far as the portion of directing the Chief Secretary, Government of Tamil Nadu to take departmental action against the respondents 1 to 3 as to why they have not followed the order of this Court dated 09.06.2023 in WP No.262 of 2018 batch cases and the Circular issued by the Commissioner of Land Administration, Chennai in Na.Ka.No.R1/2005632/2022 dated 17.07.2023 pending disposal of the above Writ Appeal.



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For Appellants : Mr.P.Ananda Kumar,
Government Advocate

For Respondent : No Appearance

J U D G E M E N T

(Judgement of the Court was delivered by S.M.Subramaniam J.)

The present intra Court Appeal on hand has been instituted, challenging the order dated 02.11.2023 in W.P.No.31547 of 2023. The respondents in the writ proceedings are the appellants before us.

2. The first respondent filed the writ petition seeking direction to the Sub Collector, Hosur, Krishnagiri to consider and pass appropriate orders on petitioner's representation dated 17.06.2019. The copy of the representation dated 17.06.2019 reveals that the first respondent requested the Sub Collector to alter FMB Register. However, we are unable to identify any details in entirety in the representation submitted by the first respondent dated 17.06.2019.

3. It is not necessary that all the representations submitted in vague by the citizens have to be considered by the competent authorities.



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Numerous representations are submitted to redress the grievances by the aggrieved persons. Such representations have to be scrutinised and the authorities competent are bound to seek further details or documents for the purpose of considering the representations and to redress the grievances. Therefore, every representation submitted by a person need not be considered, unless a proper representation warranting an action from the hands of the competent authorities are submitted.

4. Merely sending a representation through registered post would be insufficient. The persons sending such representations are expected to furnish all the details along with the relevant documents, if any enabling the authorities to consider the same in the manner known to law. Government Departments are dealing with large number of files and the public authorities require certain minimum details and documents for the purpose of scrutinisation and to take decisions.

5. Merely sending a representation with insufficient details and particulars, could not be a ground to seek a direction from the High Court to dispose of such representations. High Court, merely directing the authorities to dispose of the representation, would do no service to the



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cause of justice. The litigants on many occasions are back again to the High Court by filing further writ petitions. Therefore, the Court has to find out whether the representations, applications, appeals or petitions are statutory in nature or not. Such statutory applications are bound to be disposed off within the time as contemplated under the relevant statute or within the reasonable period as the case may be. In respect of certain general representations, in the absence of adequate details, the authorities may not be in a position to dispose off the same. All such mitigating factors have to be considered, while issuing a direction by the High Court in exercise of the powers of the judicial review under Article 226 of the Constitution of India.

6. In the present case, a direction was issued to the appellants to issue fresh notice to the first respondent/ writ petitioner and to the rival claimants and any interested party, if any, and give an opportunity to them and conduct an inquiry and pass appropriate orders within the period of three months. While issuing a direction, the learned Judge took note of the fact that the appellant herein had failed to follow the circular issued by the Commissioner of Land Administration, Chenna-5, dated 17.7.2023. The learned Judge recorded that the lethargic attitude of the respondents is



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highly condemnable and the grievances of the petitioner has to be redressed.

7. We have no other opinion that the grievances of the aggrieved persons have to be redressed in the manner known to law. Further the learned Single Judge has rightly directed the appellants/ respondents to conduct an inquiry and pass appropriate orders.

8. Learned Government Advocate, appearing on behalf of the appellants would submit that a direction issued against the respondents for initiation of disciplinary proceedings alone is questioned in the present writ appeal. The appellants have no issues with reference to the direction issued by the learned single judge to conduct an inquiry and dispose of the representation.

9. As far as the observations made in paragraph 7 of the order is concerned, it requires an elaborate inquiry by the higher authorities, so as to form an opinion, whether the appellants have committed any act of lapse, negligence or dereliction of duty, in the matter of adhering to the instructions issued by the Commissioner of Land Administration in various circulars. Therefore, issuing a direction to initiate departmental



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disciplinary proceedings in the present case, in our opinion, seems to be stringent and may not be required. No doubt the Government Departments are dealing with huge number of petitions and files and therefore, practically on some occasions it is not possible to deal with all such representations immediately and even statutory appeals are decided beyond the period as contemplated under the statutes and rules. We have not appreciated the said situation. It is imminent that the authorities are expected to work hard to dispose of all such representations, at least within a reasonable period of time. We do understand certain practical and mitigating circumstances. Thus, we are inclined to delete paragraph 7 of the impugned order dated 02.11.2023, passed in W.P.No.31547 of 2023. However, the directions issued in paragraph 6 are to be complied with by the appellants. Learned Government Advocate would submit that the grievances of the first respondent has been redressed and patta had been issued in favour of the first respondent.

10. While parting, we would like to emphasise that the public servants are expected to serve prudently, vigilantly and in consonance with the statutes, rules, circulars and instructions, which all are available. No doubt, lapses dereliction of duty and negligence is a misconduct under



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the Tamil Nadu Government Servants Conduct Rules. However, such misconducts, if committed intentionally are established during the course of inquiry, then disciplinary actions are inevitable.

11. Accordingly, the impugned order passed in the present writ petition stands modified to the extent as stated above and the writ appeal stands disposed off. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.J.,)

(K.R.S.J.,)

14.02.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)

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