



W.P.(MD).Nos.26686 and 26783 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD).Nos.26686 and 26783 of 2024

W.P.(MD).No.26686 of 2024

M.Krishnasamy

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Revenue Department,
Secretariat,
Fort St.George,
Chennai - 600 009.
- 2.The Commissioner of Land Administration,
Chepauk,
Chennai - 600 005.
- 3.The District Collector,
Tiruchirappalli.
- 4.The District Revenue Officer,
Tiruchirapalli.
- 5.The Revenue Divisional Officer,
Musiri,
Tiruchirapalli District.



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6.The Tahsildar,
Musiri Taluk,
Tiruchirapalli District.

7.The Mettupalayam Town Panchayat,
Through its Executive Officer,
Mettupalayam, Musiri Taluk,
Tiruchirappalli District.

8.Idli @ Yoganathan

9.Jansirani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 to 7 herein to initiate an enquiry as against the respondents 8 and 9 for their illegal grabbing of lands belonging to Government and consequently cancel the patta vide No.2023 in the name of 8th respondent's deceased mother on 14.10.2008, for the lands in S.No.522/4 measuring 0.08.80 ares and patta vide No.2024 in the name of Idly @ Yoganathan for the land in S.No.522/2 measuring 0.11.50 acres and a patta vide No.2025 for the land in S.No.522/14, measuring 0.09.75 acres, in the name of 8th respondent's deceased father Nallusamy, which was a Government Puramboke lands situated at Morupatti Village, Mettupalayam Town Panchayat, Musiri Taluk, Tiruchirappalli District and restore it as a same position.

For Petitioner : Mr.V.R.Shanmuganathan

For R-1 to R-7 : Mr.P.Thilak Kumar

Government Pleader

For R-8 & R-9 : Mr.R.Rajaraman



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W.P.(MD).No.26783 of 2024

M.Krishnasamy

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Fort St.George,
Chennai - 600 009.
- 2.The Director of Vigilance and Anti-Corruption,
Alandur,
Chennai.
- 3.The Director of Public Health and Preventive Medicines,
DMS Complex,
Teynampet,
Chennai.
- 4.The District Collector,
Tiruchirappalli.
- 5.The Joint Director of Public Health and Services,
Tiruchirappalli.
- 6.Idli @ Yoganathan

7.Jansirani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 to 5 herein to consider the petitioner's representation dated 05.01.2015 and 04.10.2021 and take appropriate action in accordance with law.



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For Petitioner : Mr.V.R.Shanmuganathan
For R-1 to R-5 : Mr.P.Thilak Kumar
Government Pleader
For R-6 & R-7 : Mr.R.Rajaraman

COMMON ORDER

(Order of the Court was made by M.S.RAMESH,J.)

By consent of both sides, the Writ Petitions are taken up for final disposal at the stage of admission itself.

2. The Writ Petition in W.P.(MD).No.26686 of 2024 has been filed for Mandamus to direct the official respondents to initiate an enquiry as against the respondents 8 and 9 for their illegal grabbing of lands belonging to the Government and consequently, cancel the patta vide No.2023 in the name of 8th respondent's deceased mother on 14.10.2008, for the lands in S.No.522/4 measuring 0.08.80 ares, patta vide No.2024 in the name of Idly @ Yoganathan for the land in S.No.522/2 measuring 0.11.50 acres and patta vide No.2025 for the land in S.No.522/14, measuring 0.09.75 acres, in the name of 8th respondent's deceased father Nallusamy, which were Government Poramboke lands situated at Morupatti Village, Mettupalayam Town Panchayat, Musiri Taluk, Tiruchirappalli District and restore it to the same position.



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2.1. The Writ Petition in W.P.(MD).No.26783 of 2024 has been filed for Mandamus to direct the official respondents to consider the petitioner's representation dated 05.01.2015 and 04.10.2021 and take appropriate action in accordance with law.

3. The petitioner herein had given a representation to the official respondents on 24.06.2024 to cancel the patta and remove the encroachment alleged to have been made by the private respondents in the Government Poramboke lands. Since the said representation was not considered, the present Writ Petitions have been filed.

4. 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, 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 the Constitution of the India and direct them to consider the same within a stipulated time.



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5. In the light of the above observations, there shall be a direction to the official respondents to consider the petitioner's representation dated 24.06.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the private respondents herein, as well as all other persons, who may be interested in the subject property, within a period of three (3) months 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 matter and that it is open to the concerned respondents to consider the same on its own merits.

6. With the above direction, the Writ Petitions are disposed of. There shall be no order as to costs.

(M.S.R.,J.) (A.D.M.C.,J.)
11.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To
1. The Principal Secretary to Government,
Revenue Department,
Secretariat,
Fort St. George,
Chennai - 600 009.



W.P.(MD).Nos.26686 and 26783 of 2024

2. The Commissioner of Land Administration,
Chepauk, Chennai - 600 005.

3. The District Collector,
Tiruchirappalli.

4. The District Revenue Officer,
Tiruchirappalli.

5. The Revenue Divisional Officer,
Musiri,
Tiruchirappalli District.

6. The Tahsildar,
Musiri Taluk,
Tiruchirappalli District.

7. The Executive Officer,
Mettupalayam Town Panchayat,
Mettupalayam, Musiri Taluk,
Tiruchirappalli District.

8. The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

9. The Director of Vigilance and Anti-Corruption,
Alandur, Chennai.

10. The Director of Public Health and Preventive Medicines,
DMS Complex,
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M.S.RAMESH,J.
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