



W.P.(MD).No.26848 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).No.26848 of 2024
and
W.M.P.(MD).No.22756 of 2024

Kaaleeswaran

... Petitioner

Vs.

- 1.The District Collector / Monitoring Committee,
Sivagangai.
- 2.The Revenue Divisional Officer,
Sivagangai.
- 3.The Tahsildar,
Kalayarkovil Taluk,
Sivagangai District.
- 4.The Sub Registrar,
Kalayarkovil,
Sivagangai District.
- 5.Azhagarsamy
- 6.Radha
- 7.Ramkumar
- 8.Ramaseetha



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9.Ragvendran

10.K.Ganesan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 to 3 herein to cancel all the illegal mutations in favour of respondents 5 to 10 herein in respect of the lands in S.Nos.347/15 to 347/20, Somanathamangalam Village, Kalayarkovil Taluk, Sivagangai District and restore the said lands back to its original position by classifying the same as “Sarkar - Manai - Kaali” and putting it to public use.

For Petitioner : Mr.V.R.Shanmuganathan

For R-1 to R-4 : Mr.P.Thilak Kumar

Government Pleader

ORDER

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

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

2. This Writ Petition has been filed for a mandamus to direct the respondents 1 to 3 herein to cancel all the illegal mutations in favour of



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respondents 5 to 10 herein in respect of the lands in S.Nos.347/15 to 347/20, Somanathamangalam Village, Kalayarkovil Taluk, Sivagangai District and restore the said lands back to its original position by classifying the same as “Sarkar - Manai - Kaali” and putting it to public use.

3. Since no adverse orders are going to be passed against the respondents 5 to 10, notice to the respondents 5 to 10 is hereby dispensed with.

4. The petitioner herein had given a representation to the first respondent on 30.09.2024 for cancellation of patta in favour of the respondents 5 to 10 herein in respect of the subject lands and restore the same to its original position. Since the said representation was not considered, the present writ petition has been filed.

5. 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



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under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the respondents 1 to 3 herein to consider the petitioner's representation dated 30.09.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 5 to 10 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.

7. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

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

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



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