



W.P.(MD).No.26792 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.26792 of 2024

1.Saravanan

2.Balamurugan

... Petitioners

Vs.

1.The State of Tamil Nadu,
Represented by its the Principal Secretary
to Government,
Land Administrative and Revenue Department,
Fort St.George,
Chennai.

2.The District Collector,
Madurai District.

3.The Revenue Divisional Officer,
Thirumangalam,
Madurai District.

4.The Tahsildar,
Thirumangalam,
Madurai District.

5.Vellaiyammal

6.Ammaiyakkal

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents No.1 to 4 to cancel the assignment order issued in favour of the respondents No.5 and 6 with respect to the properties in Sy.Nos.146/5 and 146/6, Vidathakulam Village, Thirumangalam Taluk and Madurai District and further directing the respondents No.1 to 4 to keep the aforementioned properties as Government Poramboke land enabling the public to use the same as common by considering the petitioners' representation dated 07.10.2024.

For Petitioners : Mr.R.Balakrishnan
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 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 4 to cancel the assignment order issued in favour of the respondents 5 and 6 with respect to the properties in S.Nos.146/5 and 146/6, Vidathakulam Village, Thirumangalam Taluk and Madurai District and further direct the respondents 1 to 4 to keep the aforementioned properties as



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Government Poramboke land enabling the public to use the same as common by considering the petitioners' representation dated 07.10.2024.

3. Since no adverse orders are going to be passed against the respondents 5 and 6, notice to the respondents 5 and 6 is hereby dispensed with.

4. The petitioners herein had given a representation to the respondents 1 to 4 on 07.10.2024 for cancellation of assignment order issued in favour of the respondents 5 and 6 with respect to the subject property. 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 under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.



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6. In the light of the above observations, there shall be a direction to the respondents 1 to 4 herein to consider the petitioners' representation dated 07.10.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioners and the respondents 5 and 6 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.

(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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To

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