



W.P.(MD).No.27057 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.11.2024

CORAM

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

W.P.(MD).No.27057 of 2024
and
W.M.P.(MD).No.22976 of 2024

S.Mohamed Rahamadhulla

... Petitioner

Vs.

- 1.The District Collector,
Madurai.
- 2.The Assistant Director,
Land Survey Record Department,
Collectorate Building,
Madurai.
- 3.The Revenue Divisional Officer,
Melur.
Having Office at
Narasingampatty,
Melur Taluk,
Madurai District.
- 4.The Tahsildar,
Melur Taluk,
Madurai District.



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5. The Commissioner,
Melur Municipality,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to consider the petitioner's representation dated 25.11.2023 within the time stipulated by this Court.

For Petitioner : M/s.B.Kalpana
For R-1 to R-4 : Mr.J.Ashok
Additional Government Pleader
For R-5 : Mr.A.Pandiyarajan
Standing Counsel

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 to consider the petitioner's representation dated 25.11.2023 within the time stipulated by this Court.



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3. The petitioner herein had given a representation to the respondents on 25.11.2023 to cancel the mutation of revenue records in respect of the lands in Old Survey No.308/4, T.S.No.42, Melur, Madurai District and issue patta in favour of the petitioner and his family members as per the sale deeds in Document Nos.3434/1964 and 2449/1968. Since the said representation was not considered, the present Writ Petition has 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.

5. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 25.11.2023, if not already considered, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner as well as all



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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 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.)
13.11.2024

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

To

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