



W.P.(MD)No.28096 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.28096 of 2024

N.Kesavarajan

: Petitioner

Vs.

1.The Revenue Secretary,
Government of Tamil Nadu,
Secretariat, St. George Fort,
Chennai – 600 009.

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

3.The District Collector,
Tuticorin District,
Tuticorin – 628 501.

4.The Assistant Director,
Ex-Servicemen Welfare,
Tuticorin District,
Tuticorin – 628 501.



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5.The Revenue Divisional Officer,
Kovilpatti,
Tuticorin District – 628 501.

6.The Tahsildar,
Kovilpatti Taluk,
Tuticorin District – 628 501.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, to direct the third respondent to allot the land in No.3/1A, now 3/7, Kovilpatti Town, Kovilpatti Taluk, Tuticorin District, area of 0.417 sq.mt. for establishment of War Memorial Cum Jawan Bhawan for the welfare of ESM and public and subsequently issue the patta.

For Petitioner : Mr.L.Rajiah

For Respondents 1 to 6 : Mr.P.Thilak Kumar
Government Pleader

O R D E R

[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.



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2.This writ petition has been filed for a Mandamus to direct the third respondent to allot the land in S.No.3/1A, now 3/7, Kovilpatti Town, Kovilpatti Taluk, Tuticorin District, to an extent of 0.417 sq.mt. for establishment of War Memorial Cum Jawan Bhawan for the welfare of ESM and public and subsequently to issue patta.

3.The petitioner herein had given a representation to the respondents on 28.09.2024, in this regard. 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.



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5.In the light of the above observations, there shall be a direction to the respondents 2 & 3 herein to consider the petitioner's representation dated 28.09.2024, on its own merits and pass appropriate orders in accordance with law, as expeditiously as possible. 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, this Writ Petition stands disposed of. There shall be no order as to costs.

[M.S.R.,J.] & [A.D.M.C.,J.]

26.11.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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and
A.D.MARIA CLETE, J.

MR

ORDER MADE IN
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