



W.P.(MD)No.29323 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.12.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.29323 of 2024

A.Subaja

... Petitioner

Vs.

1. The Commissioner of Land Records,
Chepauk, Chennai - 600 005.
2. The State of Tamil Nadu,
Represented by the District Collector,
Kanniyakumari District,
Nagercoil - 629 001.
3. The Assistant Director,
District Survey Office,
Nagercoil,
Kanniyakumari District.
4. The Tahsildar,
Kalkulam Taluk,
Thuckalay,
Kanniyakumari District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to order the respondents 2 and 4 to issue patta to the petitioner for an extent of 98 cents (instead of the present 33 Ares) in Re. Sy. No.601/2 of Kurunthancode B



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Village in Kalkulam Taluk of Kanniyakumari District as per the Judgment and Decree in OS No.584/1978 dated 17.03.1982 of the District Munsif Court, Padmanabhapuram and to direct the 4th respondent to make necessary corrections in the Village Accounts of the said Kurunthancode B Village and also to direct the 4th respondent to carry out necessary corrections in the revised field map relating to Re.Sy.No.601/2 is concerned, in which the petitioner is entitled to 98 cents in tune with the measurements of Old survey plan pertaining to Old.Sy.Nos.1680 and 1682A of former Thalakulam Village, within the time to be fixed by this Court.

For Petitioner : Mr.C.A.Appathurai

For Respondents : Mr.A.Kannan

Additional Government Pleader

ORDER

This writ petition is filed seeking for a direction to the respondents to issue patta to the petitioner for the property in Re. Sy. No.601/2 measuring to an extent of 98 cents (instead of the present 33 Ares) at Kurunthancode B Village in Kalkulam Taluk of Kanniyakumari District, as per the Judgment and Decree passed in OS No.584/1978 dated 17.03.1982 on the file of the District Munsif Court, Padmanabhapuram and to direct the 4th respondent to make necessary corrections in the Village Accounts of the said Kurunthancode B Village and also to direct the 4th respondent to carry out necessary corrections in the revised field map relating to Re.Sy.No.601/2 is concerned, in which the



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petitioner is entitled to 98 cents in tune with the measurements of Old survey plan pertaining to Old.Sy.Nos.1680 and 1682A of former Thalakulam Village, within the time to be fixed by this Court.

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

3. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents and carefully perused the entire materials available on record.

4. The petitioner had made a representation dated 20.04.2022 on the basis of the judgment and decree passed in OS No.584/1978 dated 17.03.1982 on the file of the District Munsif Court, Padmanabhapuram to the first respondent seeking various reliefs. Since the same was not considered, this writ petition is filed.

5. The judgment and decree passed in OS No.584/1978 dated 17.03.1982 on the file of the District Munsif Court, Padmanabhapuram, in favour of the petitioner was not at all challenged by way of appeal by the



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defendants in the said suit and the said judgment and decree had become final.

In view of the same, the petitioner made a representation to the first respondent to direct the second and fourth respondents to issue patta in favour of the petitioner for the property in Re. Sy. No.601/2 measuring to an extent of 98 cents (instead of the present 33 Ares) at Kurunthancode B Village in Kalkulam Taluk of Kanniyakumari District. He also sought to direct the fourth respondent to make necessary corrections in the village accounts of the Kurunthancode B Village and to carry out necessary corrections in the revised field map relating to Re.Sy.No.601/2 is concerned. But, the same is not considered.

6. 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 the respondent 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.



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7. In view of the same, without going into the merits of the case, this Court direct the first respondent to consider the representation of the petitioner dated 20.04.2022 and pass appropriate orders on merits and in accordance with law with in a period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of. No costs.

06.12.2024

NCC : Yes / No

Index : Yes / No

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Note: Issue order copy on 12.12.2024.

TO:-

1. The Commissioner of Land Records,
Chepauk, Chennai - 600 005.
2. The State of Tamil Nadu,
Represented by the District Collector,
Kanniyakumari District,
Nagercoil - 629 001.
3. The Assistant Director,
District Survey Office,
Nagercoil,
Kanniyakumari District.
4. The Tahsildar,
Kalkulam Taluk,
Thuckalay, Kanniyakumari District.



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L.VICTORIA GOWRI, J.

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Order made in
W.P.(MD)No.29323 of 2024

Dated
06.12.2024