



W.P.(MD)No.1280 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **20.01.2025**

CORAM:

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

W.P.(MD)No.1280 of 2025

S. Nagaraj

... Petitioner

Vs.

1. The District Collector,
Theni District.
Theni.

2. The Revenue Divisional Officer,
Uthamapalayam,
Theni District.

3. The Tahsildar,
Bodinayakkanur,
Theni District.

4. Rengaraj

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct to the respondents to cancel the separate patta No.1580 and restore the earlier position of joint Patta in the name of Ganapathi Thevar, Periyasamy Thevar and Palanisamy Goundar, in respect of land in Survey No.497/8 situated at Rasingauram Village, Bodinayakkanur Taluk, Theni District, within the period that may be stipulated by this Court.



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For Petitioner : Mr.V.G.Vallarau Chezhiyan

For R-1 to R-3 : Mr.M.Muthuvinayagam
Government Advocate

ORDER

Mr.M.Muthuvinayagam, learned Government Advocate takes notice for the respondents No.1 to 3. By consent of both the parties, this writ petition is taken up for final hearing at the admission stage itself.

2. The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, to direct to the respondents to cancel the separate patta No.1580 and restore the earlier position of joint Patta in the name of Ganapathi Thevar, Periyasamy Thevar and Palanisamy Goundar, in respect of land in Survey No.497/8 situated at Rasingauram Village, Bodinayakkanur Taluk, Theni District, within the period that may be stipulated by this Court.”

3. Heard the learned counsels on either sides and carefully perused the materials available on record.



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4. The petitioner has made a representation on 12.08.2021 to the first respondent to cancel the separate patta No.1580 and restore the earlier position of joint patta in the name of Ganapathi Thevar, Periyasamy Thevar and Palanisamy Goundar. Since, the same was not considered, the present writ petition came to be filed.

5. Considering the limited scope of the relief sought for by the petitioner herein, notice to the fourth respondent is dispensed with.

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.

7. Without going into the merits of this case, this Court hereby direct the second respondent to consider the representation made by the petitioner and



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pass appropriate orders in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order, after putting notice on the fourth respondent and other interested parties and after giving them an opportunity of hearing.

8. Accordingly, this Writ Petition stands disposed of. No costs.

20.01.2025

NCC : Yes / No
Index : Yes / No
jbr

TO:-

1. The District Collector,
Theni District.
Theni.
2. The Revenue Divisional Officer,
Uthamapalayam,
Theni District.
3. The Tahsildar,
Bodinayakkanur,
Theni District.



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L.VICTORIA GOWRI, J.

jbr

Order made in
W.P.(MD)No.1280 of 2025

Dated
20.01.2025