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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5405 of 2025

and WMP (MD) No.3960 of 2025

Soundara Nayaki : Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Sivagangai District.

2. The Executive Officer,
Tiruppuvanam Town Panchayat,
Tiruppuvanam,
Sivagangai District.

3. Bhuvanendran : Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents 1 and 2 herein in any manner issuing any plan approval in respect of the property comprised in S.No.GR Patta No.49/2 sub divided as GR No. 49/2 Z 6 which is situated at Vadakku Ratha Veedhi, Tiruppuvanam Town, Sivagangai District by considering petitioners representation dated 20.02.2025.

For Petitioner : Mr.V.Malaiyendran

For Respondents : Mr.C.Venkatesh Kumar

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Special Government Pleader
for R1
Mr.M.Siddharthan
Additional Government Pleader for R2
Mr.R.Murali for R3

O R D E R

This Writ Petition has been filed for issuance of a Writ of Mandamus, forbearing the respondents 1 and 2 in any manner issuing any plan approval in respect of the property comprised in S.No.GR Patta No.49/2 sub divided as GR No.49/2 Z 6, which is situated at Vadakku Ratha Veedhi, Tiruppuvanam Town, Sivagangai District, by considering the petitioner's representation dated 20.02.2025.

2.The petitioner claims that the third respondent, taking advantage of the ailments and family situation of the petitioner's mother, executed a sale deed in his favour through force and coercion, without obtaining the consent of the legal heirs. The petitioner further contends that, in order to protect her rights over the said property, she has filed O.S. No. 21 of 2025, which is currently pending before the Subordinate Court, Manamadurai. Despite this, the third respondent is attempting to

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obtain a patta and seek plan approval for the said house property. In this regard, the petitioner submitted a representation to the second respondent on 20.02.2025, requesting that no plan approval be issued and that the property not be assessed for property tax. However, as no action has been taken on the representation, the petitioner has now approached this Court by filing the present Writ Petition.

3. Heard both sides.

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 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 second respondent to consider the petitioner's representation dated 20.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of eight weeks from the date of receipt of a copy of this order. It is also 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 second respondent to consider the same on its own merits.

6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

28.02.2025

Index : Yes / No
Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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