



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.07.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD). No.12609 of 2016

K.M.Manoharan

... Petitioner

Vs.

1.The Tahsildar,  
Dindigul West Taluk Office,  
Dindigul, Dindigul District.

2.The Head Surveyor,  
Office of Tahsildar,  
Dindigul Taluk,  
Dindigul District.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondent to measure and demarcate the petitioner properties comprised in Survey No. 826/13B, 826/14, 826/15 situated at Pallapatti Village, Dindigul Taluk, Dindigul District and lay boundary stones in all four boundaries of it based on the petitioner's representation dated 05.07.2016 within stipulated time as fixed by this Hon'ble Court.

For Petitioner  
For Respondents

:Mr.M.Karunanithi  
:Mr.J.Gunaseelan Muthiah  
Govt. Advocate

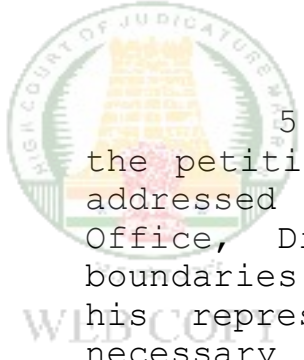
O R D E R

Heard both sides.

2. By consent, the main writ petition itself is taken up for final disposal.

3. No counter is filed on behalf of the respondents.

4. According to the petitioner, his representation dated 05.07.2016 making a request for measuring and demarcating the properties in Survey No. 826/13B, 826/14, 826/15 situated at Pallapatti Village, Dindigul Taluk, Dindigul District and lay boundary stones in all four boundaries, based on the said representation has not met with positive response from the concerned authorities. Therefore, he has filed the present writ petition.



5. At this stage, this Court very rightly points out that the petitioner had submitted his representation dated 05.07.2016, addressed to the first respondent/Tahsildar, Dindigul West Taluk Office, Dindigul, whereby he had sought for fixing of four boundaries and laying of stones. Further, he had mentioned in his representation that a sum of Rs.500/- was paid towards necessary fee. Thereafter, within a period of 9 days, the petitioner has approached this Court by filing the present writ petition. In short, the petitioner has focussed the present writ petition before this Court, without providing sufficient/ample time to the authorities concerned to act on his representation one way or other.

6. Be that as it may, when a litigant initially approaches the Court with a 'Complaining Bowl', that the authorities had not acted, based on the representation in a particular matter and that too in a certain manner, then, this Court is of the considered view that it is the paramount duty of a Court of Law to see whether the petitioner had given sufficient time or opportunity to the authorities to act in the matter in issue. If sufficient time/opportunity was provided to the authorities to act in the matter and if they had not acted, then, the petitioner may have a genuine and reasonable cause to approach a Court of Law, seeking necessary relief for the inaction of the concerned authorities. However, without providing breathing adequate time to the concerned authorities to act on his representation, if a litigant approaches a Court of Law, within a short span of time/duration, then, his representation may not even be entertained at the threshold itself, of-course based on its subjective opinion by taking into account of the facts and circumstances of a given case.

7. As far as the present case is concerned, in view of the fact that the petitioner's representation dated 05.07.2016 is pending on the file of the first respondent/Tahsildar, Dindigul West Taluk Office, Dindigul, this Court, at this stage, without traversing upon the merits and contents of the representation of the petitioner dated 05.07.2016, simpliciter, directs the first respondent/Tahsildar, Dindigul West Taluk Office, Dindigul to look into the representation of the petitioner dated 05.07.2016, within a period of one week from the date of receipt of copy of this order. Thereafter, the first respondent/Tahsildar, Dindigul West Taluk Office, Dindigul is to dispose of the same by passing a speaking, reasoned order on merits in a fair, free, unbiased and dispassionate manner, (of-course, after providing necessary opportunity to the petitioner and others concerned, if any, by adhering to the principles of Natural Justice in true letter and spirit), within a period of six weeks. The petitioner is also directed to seek and his assistance and co-operation to the first respondent/Tahsildar, Dindigul West Taluk Office, Dindigul, so as to enable him to do the needful in the subject matter in issue.



8. With the aforesaid observation(s) and direction(s), the writ petition stands disposed of. No costs.

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/True copy/

Sd/-  
Assistant Registrar(Writs)

Sub Assistant Registrar

To

1.The Tahsildar,  
Dindigul West Taluk Office,  
Dindigul, Dindigul District.

2.The Head Surveyor,  
Office of Tahsildar,  
Dindigul Taluk,  
Dindigul District.

+1cc to Mr.M.Karunanithi, Advocate SR.No.38048  
+1cc to the special Government Pleader SR.No.37591

vs

sm:KBM:26.07.2016:3P/5C

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