



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 20.07.2016
CORAM

THE HONOURABLE MR. JUSTICE M.VENUGOPAL

W.P(MD)No.12744 of 2016

S.Muthalagu

..Petitioner

Vs

The Tahsildar,
Ilayankudi Taluk,
Ilayankudi,
Sivagangai District.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to dispose of the Petitioner's representation dated 24.3.2016 submitted for demarcation of the property comprised in Pula No.298/4, situated at Thiruvalluvar Group, Ilayankudi Taluk, Sivagangai District in the light of judgment and decree passed in O.S.No.38 of 2009 and the Commissioner's report, within the time frame fixed by this Court.

For Petitioner :M/s.B.Prahalad Ravi

For Respondent :Mr.S.Kumar
Addl.Govt.Pleader

ORDER

Heard both sides.

2.By consent of both sides, the main Writ Petition itself is taken up for final disposal.

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

4.According to the Petitioner, in order to demarcate the property referred to above, he made a representation, dated 24.3.2016 to the Respondent requesting him to demarcate the property in question and also to carry out necessary amendment in the FMB in the light of the decree passed in O.S.No.38 of 2009 and the Commissioner's report.

5.In fact, the Respondent having received his representation on 26.3.2016, has not taken any action for the demarcation of the property based on his representation dated 24.3.2016 in the light of the Civil Court decree in O.S.No.38 of 2009, dated 14.12.2015 passed by the Learned District Munsic, Ilayankudi. Since his representation, dated 24.3.2016 has not met with any desired result in his favour, the Petitioner has filed the present Writ Petition before this Court seeking necessary relief thereto.

6.Considering the fact that the Petitioner's representation, dated 24.3.2016, is pending before the Respondent without any disposal or progress as on date, at this stage, this Court, in the interest of justice, Equity, Fair Play and even as a matter of prudence, directs the



Respondent to take up the representation of the Petitioner, dated 24.3.2016 within a period of one week from the date of receipt of a copy of this order and thereafter, it is incumbent upon the Respondent to dispose of the representation of the Petitioner, dated 24.3.2016 in a complete and comprehensive manner by passing a reasoned speaking order on merits (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 three weeks thereafter. It is open to the Petitioner to produce copies of all necessary/relevant documents before the Respondent and the Respondent, in turn, shall take into consideration of the same at the time of disposal of the representation of the Petitioner, dated 24.3.2016. The Petitioner is also directed to lend his assistance/co-operation to the Respondent in disposing of his representation, dated 24.3.2016, within the time prescribed by this Court.

7. With the aforesaid observations and directions, the Writ Petition stands disposed of. No costs.

Sd/
Assistant Registrar (CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

The Tahsildar,
Ilayankudi Taluk,
Ilayankudi,
Sivagangai District.

+1cc to Special Government Pleader in SR.No.38776

W.P (MD) No.12744 of 2016
20.07.2016

vsn
PA/NGM-MP/SAR I/26.07.2016/2P/3C