



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 29.07.2016

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WEB COPY

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P (MD) No.13461 of 2016

Periyamuthammal

..Petitioner

Vs

The Tahsildar,
Palani Taluk,
Dindigul 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 survey and fix the boundaries of the properties of the Petitioner in S.No.123/1A, 123/1B and 123/1C of Kanakampatti Village by considering the representation of the Petitioner dated 28.8.2015 within the time stipulated by this Court.

For Petitioner : Mr.L.Jeen Felix
for M/s.S.C.Herold Singh

For Respondent : Mr.J.Gunaseelan Muthiah
Govt.Advocate

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, he had submitted a representation, dated 28.8.2015 addressed to the Respondent/The Tahsildar, Palani Taluk, Dindigul District., praying to conduct of survey and fix the boundaries of his properties in S.Nos.123/1A, 123/1B and 123/1C of Kanakampatti Village. He had paid the necessary fees on 25.08.2015 and made an application in this regard. However, there was no response from the Respondent side. He also projected an application on 24.2.2016 under Right To Information Act with regard to the status of his application. On 24.3.2016, the Respondent informed him that the application filed by the Petitioner was received and the same was under



consideration as F.L.240/2015. However, no action was taken by the Respondent till date.

5.The grievance of the Petitioner is that even to obtain loan, he has to furnish the specific boundaries of his properties to the Bank Authorities. Since the Respondent is prolonging the matter, the Petitioner is not in a position to augment his loan. He has also sent a reminder on 24.6.2016 to the Respondent. In spite of the same, till date, no positive action has been taken by the Respondent in the subject- matter in issue. Hence the Petitioner has filed the present Writ Petition before this Court.

6.Considering the fact that the Petitioner's representation, dated 28.5.2015 is pending on the file of the Respondent, wherein, the Petitioner had prayed for conduct of survey and fix the boundaries of the properties of the Petitioner in S.Nos.123/1A, 123/1B and 123/1C of Kanakampatti Village, at this stage, this Court, in the interest of justice , directs the Respondent to look into the representation of the Petitioner, dated 28.5.2015 within a period of one week from the date of receipt of a copy of this order. Thereafter, the Respondent is directed to pass a reasoned speaking 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 three weeks thereafter. In case, the concerned authority/Respondent is in requirement of copies of necessary/relevant documents, then it is the prime duty of the Petitioner to furnish the same to such authority, without any loss of time, so as to enable the said authority to dispose of his representation, dated 28.5.2015, within the time determined by this Court. The petitioner is directed to lend his assistance/co-operation to the Respondent, in disposing of his representation, dated 28.5.2015,within the time adumbrated by this Court.

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

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To

The Tahsildar, Palani Taluk,Dindigul District.

+One cc to Mr.S.C.Herold Singh, Advocate, SR.No.40670

+One cc to The Special Government Pleader, SR.no.40572

vsn

RL/4C/2P/DB/9/8/2016

W.P(MD)No.13461 of 2016