



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.8315 of 2018

and

W.M.P. (MD) No.7871 of 2018

K.Iyyadurai

... Petitioner

vs.

- 1.The Executive Engineer,
Public Works Department,
(Construction and Maintenance),
Nagercoil, Kanyakumari District.
2. The Assistant Director(Survey),
Collector Office,
Nagercoil, Kanyakumari District.
3. The Assistant Executive Officer,
Public Works Department,
Construction and Maintenance,
Thuckalay, Kanyakumari District.
4. The Commissioner,
Padmanabapuram Municipality,
Kanyakumari District.
5. The Tahsildhar,
Padmanabapuram Taluk,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents from initiating action in pursuant to the notice dated 05.04.2018 without following the due process of law by survey and fix boundary of the property in survey no.B8-191/1 and B8-189 and the Padmanapuram court campus by considering the representation of the petitioner dated 06.04.2018 and 07.04.2018.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.V.Anand

Government Advocate

O R D E R

Mr.V.Anand, learned Government Advocate, takes notice for the respondents.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the grievance of the petitioner that his representations dated 06.04.2018 and 07.04.2018 seeking to fix boundary of the property in survey No.B8-191/1 and B8-189 and the



Padmanapuram court campus, has not been considered by the first respondent till date and therefore, he has filed the present writ petition.

4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the first respondent to consider the petitioner's representation dated 06.04.2018 and 07.04.2018 on its own merits and take further action in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner as well as to the persons who may be interested in the subject property.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To:

1. The Executive Engineer, Public Works Department,
(Construction and Maintenance), Nagercoil, Kanyakumari District.
2. The Assistant Director(Survey), Collector Office,
Nagercoil, Kanyakumari District.
3. The Assistant Executive Officer, Public Works Department,
Construction and Maintenance, Thuckalay, Kanyakumari District.
4. The Commissioner, Padmanabapuram Municipality,
Kanyakumari District.
5. The Tahsildhar, Padmanabapuram Taluk, Kanyakumari District.

+1CC to Mr.S.C.Herold Singh, Advocate, SR.No.61693

W.P. (MD) No.8315 of 2018

and

W.M.P. (MD) No.7871 of 2018

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AM/JC/SAR 1/08.05.2018/2P/7C

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