



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.4959 of 2018

WEB COPY

A.Sornam

... Petitioner

vs.

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Town Surveyor,
Madurai Corporation,
Madurai.

3.The Inspector of Police,
Mathichiyam Police Station,
Mathichiyam,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the second respondent to survey the land of the petitioner extent about 11 1/4 cents out of total extent 23 1/4 cents situated in old Survey No.549/2, Tallakulam Village, Block No.10, Madurai Town, Madurai District and fix the boundary stones with adequate police protection within the stipulated time prescribed by this court.

For Petitioner	: Mr.T.Lajapathi Roy
For R1	: Mr.R.Prabhu Ramachandran
For R3	: Mr.V.Anand
	Government Advocate

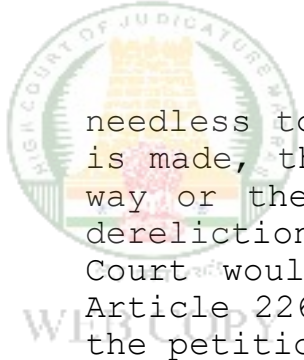
O R D E R

Mr.V.Anand, learned Government Advocate, takes notice for the third respondent. Notice to the respondents 1 and 2 is dispensed with in view of nature of the order to be passed by this Court.

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 her representation dated 08.02.2018 seeking to survey the land of the petitioner extent about 11 1/4 cents situated in old Survey No.549/2, Tallakulam Village, Block No.10, Madurai Town, Madurai District and to fix the boundary stones, has not been considered by the respondent second till date and therefore, she 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 second respondent to consider the petitioner's representation dated 08.02.2018 on its own merits and take further action in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Such an exercise shall be done after conducting enquiry and giving due opportunity to the petitioner as well as to the respondents 1 and 2 and any other persons who may be interested in the subject matter.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/
Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar (CS-IV)

To

1. The Commissioner,
Madurai Corporation,
Madurai.

2. The Town Surveyor,
Madurai Corporation,
Madurai.

3. The Inspector of Police,
Mathichiyam Police Station,
Mathichiyam,
Madurai.

+1cc to Mr. R. Prabhu Ramachandran, Advocate, SR.No. 75397

+1cc to Mr. T. Lajapathi roy, Advocate, SR.No. 75097

+1cc to M/s. Special Government Pleader, SR.No. 75360

W.P. (MD) No. 4959 of 2018
25.07.2018

mm

KK/SV/SAR-4/31.07.2018/2P-7C/