

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 18.04.2018****CORAM:****THE HONOURABLE MR.JUSTICE M.S.RAMESH****WEB COPY****W.P.(MD) No.7723 of 2018**

S.Rajendraprasad

... Petitioner

vs.

1. The Additional Director of Survey
Nagercoil, Kanyakumari District

2. The Sub-Inspector of Town Survey
Municipal Office
Nagercoil, Kanyakumari District

3.V.Mothilal

... Respondents

[R3 is impleaded vide order,
dated 18.04.2018, made in W.M.P.
(MD) No.7886 of 2018]

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 property of the petitioner in Survey No.M8/19 Vadiveeswaram South Revenue District, Agastheeswaram Taluk, Kanyakumari District, based on the intimation of the second respondent, dated 11.01.2018.

For Petitioner : Mr.H.Velavadhas

For Respondents: Mr.J.Gunaseelan Muthiah

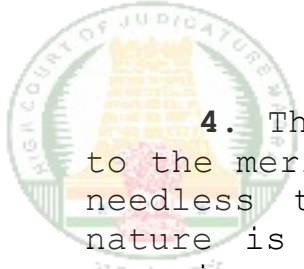
Additional Government Pleader for R1 & R2

O R D E R

Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, takes notice for the respondents 1 and 2. Notice to the third respondent is dispensed with in view of nature of the order to be passed by this Court.

2. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

3. It is the grievance of the petitioner that his representation dated 11.01.2018 seeking to survey his property in Survey No.M8/19 of Vadiveeswaram South Revenue District, Agastheeswaram Taluk, Kanyakumari District, has not been considered by the second 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 second respondent to consider the petitioner's representation dated 11.01.2018 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 giving due opportunity to the petitioner as well as to the impleaded third respondent and the persons, who may have any objections on the proposed survey.

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

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To:

1. The Additional Director of Survey,
Nagercoil, Kanyakumari District.

2. The Sub-Inspector of Town Survey,
Municipal Office,
Nagercoil, Kanyakumari District.

+1cc to Mr.H.Velavadhas, Advocate Sr.No.62003

+1cc to Spl.Government Pleader Sr.No. 62168

KRK

VB/KKR/SAR4/14/05/2018/2P/5C

W.P. (MD) No.7723 of 2018
18.04.2018