



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.8575 of 2018

G.Sivatharani

... Petitioner

vs.

1. The District Collector
Madurai District, Madurai

2. The Tahsildar
Madurai North Taluk
Madurai District

3. The Taluk Surveyor
Madurai North Taluk
Madurai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to measure and sub-divide the property in Re-survey No.132/5B, 6B in Anaiyur Bit 1 Village, Madurai North Taluk, to an extent of 40 cents by issuing separate Patta in the name of the petitioner based on her representation, dated 26.02.2018 with payment of challans dated 22.02.2018 and 26.02.2018, within a stipulated time.

For Petitioner : Mr.Ananth C.Rajesh

For Respondents: Mr.N.Shanmugaselvam
Additional Government Pleader

O R D E R

Mr.N.Shanmugaselvam, learned Additional Government Pleader, 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 her application dated 26.02.2018 seeking to measure and sub-divide the property comprised in Re-survey Nos.132/5B, 6B in Anaiyur Bit 1 Village,



Madurai North Taluk, measuring an extent of 40 cents, by issuing a separate Patta in her name, has not been considered by the respondents 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 application made by the petitioner. It is needless to point out that whenever an application 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 application 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 application dated 26.02.2018 on its own merits and take further action in accordance with law, within a period of eight 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 person who may be interested in the subject matter.

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

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai District, Madurai.
2. The Tahsildar,
Madurai North Taluk,
Madurai District.
3. The Taluk Surveyor,
Madurai North Taluk,
Madurai.

+ 1 cc TO Mr.Ananth C.Rajesh , Advocate in SR No. 62266

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AE/RSK/SAR1/28.04.2018/2P/5C