

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 19.04.2018****CORAM:****THE HONOURABLE MR.JUSTICE M.S.RAMESH****W.P. (MD) No.8626 of 2018****WEB COPY**

C.Paunraj

... Petitioner

vs.

1. The Commissioner
Kumbakonam Municipal Corporation
Kumbakonam

2. Tamilvanan

3. The Tahsildar
Kumbakonam Taluk
Thanjavur District

4. The Town Surveyor
Kumbakonam Taluk
Thanjavur District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1, 3 & 4 to survey in Old Survey No.2100/6 and new Survey No.2100/9, Mela Cauvery, Kumbakonam, Thanjavur District as per the revenue records.

For Petitioner : Mr.R.Maheswaran

For Respondents: Mr.Rajarajan

Standing Counsel for R1

Mr.N.Shanmugaselvam

Additional Government Pleader for R3 & R4

O R D E R

Mr.Rajarajan, learned Standing Counsel, takes notice for the first respondent and Mr.N.Shanmugaselvam, learned Additional Government Pleader, takes notice for the respondents 3 and 4. Notice to the second respondent 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 his representation dated 05.01.2018 seeking to survey the land comprised in Old Survey No.2100/6 and new Survey No.2100/9 situated at Mela Cauvery, Kumbakonam, Thanjavur District as per the revenue records, has not been considered by the respondent 1,



3 and 4 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 05.01.2018 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 second respondent and any other persons who may be interested in the subject matter.

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

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To:

1. The Tahsildar,
Kumbakonam Taluk,
Thanjavur District.

2. The Town Surveyor,
Kumbakonam Taluk,
Thanjavur District.

+1cc to Mr.R.Maheswaran, Advocate Sr.No.62803

+1cc to Mr.M.Rajarajan, Advocate Sr.No.62230

KRK

VB/RSK/SAR1/09/05/2018/2P/5C

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19.04.2018