



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.8945 of 2018

P.Britto

... Petitioner

vs.

1. The District Revenue Officer,
District Revenue Officer,
Tirunelveli, Tirunelveli District.

2. The Assistant Director,
District Survey Department,
Tirunelveli, Tirunelveli District.

3. The District Collector,
Collectorate, Tirunelveli,
Tirunelveli District.

4. The Tahsildar,
Tahsildar Office,
Sankarankovil Taluk,
Tirunelveli District.

... 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 under S.No.635/20, situated in Thannuthu Village, as per the measurements available in the Gift Deed No.2252/2015, dated 30.09.2015, in pursuant to the proceedings of the first respondent OMU.KA2/42336/2016, dated 27.10.2016 and consequently direct the first respondent to obtain the survey report from the second respondent and to take suitable steps to issue Patta to the petitioner for his land under Village, Sankarankovil Taluk, Tirunelveli District.

For Petitioner : Mr.D.Selvanayagam

For Respondents: Mr.N.Shanmugaselvam

Additional Government Pleader

O R D E R

Mr.N.Shanmugaselvam, learned Additional Government Pleader,
<https://hcservices.ecourts.gov.in/hcservices/> 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 representation dated 18.08.2017 seeking to survey the land comprised in S.No.635/20 of Thannuthu Village, as per the measurements available in the Gift Deed, dated 30.09.2015 registered as document No.2252 of 2015, pursuant to the proceedings of the first respondent in OMU.KA2/42336/2016, dated 27.10.2016 and to direct the first respondent to obtain the survey report from the second respondent and to take suitable steps to issue Patta to him for the aforesaid land, has not been considered by the respondents 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 survey the aforesaid land within a period of four weeks from the date of receipt of a copy of this order and thereafter, the first respondent shall complete the proceedings for issuance of Patta to the petitioner in respect of the aforesaid land, within a period of four weeks from the date of receipt of the survey report from the second respondent after the 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 District Revenue Officer,
District Revenue Officer,
Tirunelveli, Tirunelveli District.



2. The Assistant Director,
District Survey Department,
Tirunelveli,
Tirunelveli District.

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3. The District Collector,
Collectorate, Tirunelveli,
Tirunelveli District.

4. The Tahsildar,
Tahsildar Office,
Sankarankovil Taluk,
Tirunelveli District.

+ 1 CC TO Mr.D.SELVANAYAGAM, ADVOCATE IN SR No. 62996

KRK

TE/JC/SAR-2 : 10/05/2018 : 3P/6C

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