



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P. (MD) No.15758 of 2018

St.Paul's Seminary Society,
Represented by its Procurator,
Rev. Fr.A.Savarimuthu,

... Petitioner

vs.

1. The Assistant Commissioner,
Ponmalai Zone,
Tiruchirappalli Corporation,
Trichy.

2. The Surveyor,
Ponmalai Zone,
Tiruchirappalli Coproation,
Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents to survey the land in T.S.No.20, Block No.5, Old Ward No.L, New Ward No.AC, Bharathiyar Salai, Cantonment, Trichy as per the application of the petitioner dated 21.12.2017 in Form No.004449, Application No.1737, Receipt No.086/P1/17-18/0006485.

For Petitioner	:	Mr.S.Vinod Sathyalazar
For R-1	:	Mr.N.S.Karthikeyan, Standing Counsel.
For R-2	:	Mr.V.Anand, Government Advocate.

ORDER

Mr.N.S.Karthikeyan, learned Standing Counsel takes notice for the first respondent. Mr.V.Anand, learned Government Advocate takes notice for the second respondent.

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 application dated 21.12.2017, seeking to survey the land in T.S.No.20, Block No.5, Old Ward No.L, New Ward No.AC, Bharathiyar Salai, Cantonment, Trichy, 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 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 first respondent to consider the petitioner's application dated 21.12.2017 on its own merits and take further action in accordance with law, within a period of three 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 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 (W)

/True Copy/

Sub Assistant Registrar(CS-IV)

To:

1. The Assistant Commissioner,
Ponmalai Zone,
Tiruchirappalli Corporation,
Trichy.
2. The Surveyor,
Ponmalai Zone,
Tiruchirappalli Corporation,
Trichy.

+1CC to Mr.S.Vinod Sathyalazar, Advocate, SR.No. 73794
+1CC to Mr.N.S.Karthikeyan, Advocate, SR.No. 73910

W.P.(MD) No.15758 of 2018
19.07.2018

CP
ES/SV/SAR 4/31.07.2018/2P/5C