



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.16835 of 2018

WEB COPY

Guruvelsamy

... Petitioner

vs.

1.The District Collector
Virudhunagar
Virudhunagar District

2.The Tahsildar
Sivakasi
Virudhunagar District

3.The Taluk Surveyor
Sivakasi Taluk
Virudhunagar District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents 2 and 3 to survey petitioner's property and demarcate of the survey boundaries in Survey No.92/7A measuring about 34.76 sq.mt. in which building bearing door No.2.318 situated at Vadi Village, Milagaipatti Sub Division, Virudhunagar Taluk and another property situated in the same Survey No.92/7A measuring about 118.73 sq.mt in which building bearing door No.2/319, 2/320, 2/321, 2/644 and issue Patta in the petitioner's name on the basis of his representation dated 16.06.2018 and consider his representation within a stipulated time.

For Petitioner : Mr.G.Mariappan

For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

O R D E R

Mr.J.Gunaseelan Muthiah, 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 his representation dated 16.06.2018 seeking to survey the property comprised in Survey No.92/7A, measuring about 34.76 square meters and the property comprised in Survey No.92/7A, measuring about 118.73 square meters, situated at Vadi Village, Milagaipatti Sub Division, Virudhunagar Taluk, demarcate its boundaries and issue Patta in his name, 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 consider the petitioner's representation dated 16.06.2018 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 conducting enquiry and giving due opportunity to the petitioner as well as to the 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 (CS-II)

/True copy/

Sub Assistant Registrar (CS-III)

To:

1. The District Collector,
Virudhunagar,
Virudhunagar District.

2. The Tahsildar,
Sivakasi,
Virudhunagar District.

3. The Taluk Surveyor,
Sivakasi Taluk,
Virudhunagar District.

+1cc to Mr.G.MARIAPPAN, Advocate, SR.No.75974

+1cc to M/s.Special Government Pleader, SR.No.76260

W.P. (MD) No.16835 of 2018
31.07.2018

KRK