



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No. 14511 of 2018

WEB COPY

Jebaraj

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District, Tirunelveli.

2. The Tahsildar,
Nanguneri, Nanguneri Taluk,
Tirunelveli District.

3. The Head Surveyor,
Taluk Office, Nanguneri,
Tirunelveli District.

4. T.R.Kallpiran

... 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 the petitioner's land in Survey No.154/1 situated at Kallikulam Village, Nanguneri Taluk, Tirunelveli District to an extent of 4 acres 22 cents and to fix boundary stones, as per the schedule mentioned in the sale deed vide Doc.No.4125/2007 on the file of Sub Registrar, Nanguneri, in the light of the petitioner's representation dated 25.04.2018 within a time frame that may be fixed by this Court.

For Petitioner : Mr. Pon Karthikeyan

For R1 to R3 : Mr. J.Gunaseelan Muthiah
Additional Government Pleader

ORDER

Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, takes notice for the respondents 1 to 3. Notice to the fourth 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 25.04.2018 seeking to survey the petitioner's land in Survey No.154/1 situated at Kallikulam Village, Nanguneri Taluk, Tirunelveli District to an extent of 4 acres 22 cents and to fix boundary stones, as per the schedule mentioned in the sale deed vide Doc.No.4125/2007 on the file of Sub Registrar, Nanguneri, has not been considered by the respondents 1 to 3 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 25.04.2018 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 fourth respondent 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 (Crl.Side)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Tahsildar,
Nanguneri,
Nanguneri Taluk,
Tirunelveli District.
3. The Head Surveyor,
Taluk Office,
Nanguneri,
Tirunelveli District.

+1CC to Mr. Pon Karthikeyan , Advocate, SR.No. 71466

+1CC to the Special Government Pleader SR.No.71709

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