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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.07.2018
CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.14496 of 2018
and
W.M.P(MD).No.13071 of 2018

P.Saraswathi : Petitioner

Vs.

1.The Tahsildar,
Peravurani Taluk,
Peravurani, Thanjavur District.

2.The Taluk Surveyor,
Peravurani Taluk Office,
Thanjavur District.

3.R.Selvarasu :Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents herein from conducting any survey, measurement and fixing boundaries in Old S.No.6/1 New S.Nos.1/3A2, 1/3B1 and 6/7A of Aathalur Revenue Village, Peravoorani Taluk, Thanjavur District, pending civil litigations among the co-owners.

For Petitioner : Mr.C.Padmaraj
For R-1 & R-2 : Mr.V.Anand
Government Advocate

ORDER

Heard Mr.C.Padmaraj, learned counsel appearing for the petitioner, Mr.V.Anand, learned Government Advocate, who takes notice on behalf of the respondents 1 and 2.

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 19.06.2018 forbearing the respondents herein from conducting any survey, measurement and fixing boundaries in Old S.No.6/1 New S.Nos.1/3A2, 1/3B1 and 6/7A of Aathalur Revenue Village, Peravoorani Taluk, Thanjavur District, has not been considered by the respondents till date and therefore, has filed the present writ petition.

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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 other. Non consideration of the same would amount to dereliction of their ordinary duties of their office and as such this Court would be justified in invoking its powers 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, on its own merits and 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 made, after giving notice to the petitioner as well as the third respondent and any other persons, who may be interested in the subject property.

6.With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Tahsildar,
Peravurani Taluk,
Peravurani,
Thanjavur District.

2.The Taluk Surveyor,
Peravurani Taluk Office,
Thanjavur District.

+1CC to Mr.C.Padmaraj Advocate in SR.No.71671.

PNN
DS/PN/SAR-2 :13.07.2018: 2P/4C

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