



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.15253 of 2018

Kumaresan

... Petitioner

vs.

1. The Tahsildhar
Taluk Office
Uthamapalayam Taluk
Theni District.

2. The Commissioner of Municipality
Cumbum Municipality
Cumbum, Uthamapalayam Taluk
Theni District.

3. The Town Surveyor
Cumbum Municipality
Cumbum, Uthamapalayam Taluk
Theni District.

... 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 property in Survey No.769/6, Survey Ward-D, Block No.5, T.S.No.184 is situated at Ramaiah Gowder Street, Cumbum, Theni District based on the representation given by the petitioner dated 15.05.2018.

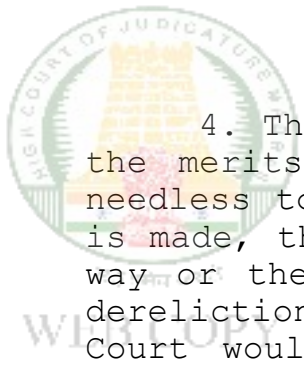
For Petitioner	:	Mr.A.Uthaya Kumar
For Respondents	:	Mr.J.Gunaseelan Muthiah Additional Government Pleader

ORDER

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 15.05.2018 seeking to re-survey the property in Survey No.769/6, Survey Ward-D, Block No.5, T.S.No.184 is situated at Ramaiah Gowder Street, Cumbum, Theni District, has not been considered by the first respondent 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 first respondent to consider the petitioner's representation dated 15.05.2018 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 giving due opportunity to the petitioner as well as to 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(CS-I)

/True copy/

Sub Assistant Registrar(CS-II)

To:

1. The Tahsildhar
Taluk Office
Uthamapalayam Taluk
Theni District.
2. The Commissioner of Municipality
Cumbum Municipality
Cumbum, Uthamapalayam Taluk
Theni District.
3. The Town Surveyor
Cumbum Municipality
Cumbum, Uthamapalayam Taluk
Theni District.

+1cc to Mr.A.Uthaya Kumar, Advocate, SR.No.73173.
+1cc to Special Government Pleader, SR.No.73677.

W.P.(MD) No.15253 of 2018
16.07.2018

AAV

<https://hcservices.ecourts.gov.in/hcservices/>

RAM/SKN/SAR 2/26.07.2018/2P/6C