

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 30.07.2018****CORAM:****THE HONOURABLE MR.JUSTICE M.S.RAMESH****W.P. (MD) No.16081 of 2018****WEB COPY**

S.Kanthasamy

... Petitioner

-Vs-

1. The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.
2. The Tahsildar,
Office of the Tahsildar,
Nilakkottai Taluk, Dindigul District.
3. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Nilakkottai Sub-Division, Dindigul District.
4. The Firka Surveyor,
Nilakkottai Firka, Nilakkottai Taluk,
Dindigul District.
5. The Inspector of Police,
Villampatti Police Station,
Dindigul District.
6. Stalin @ Jeyachandran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents No.2 and 4 to survey the petitioner's land comprised in Survey No.10/1 situating at Ethilodu Village, Nilakkottai Taluk, Dindigul District consequently directing the respondent Nos.1, 3 and 5 to provide adequate police protection at the time of surveying the land within the time stipulated by this Court.

For Petitioner	: Mr.S.Malaikani
For R-1 to R-5	: Mr.J.Gunaseelan Muthiah
	Additional Government Pleader

ORDER

Heard Mr.S.Malaikani, learned counsel appearing for the petitioner and Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, who takes notice on behalf of the respondents 1 to 5. Notice to the sixth 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 13.07.2018 seeking to survey the petitioner's land comprised in Survey No.10/1 situating at Ethilodu Village, Nilakkottai Taluk, Dindigul District, consequently directing the respondent Nos.1, 3 and 5 to provide adequate police protection at the time of surveying the land, 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 13.07.2018, in the light of the judgments passed in O.S.No.335 of 1997 dated 08.03.1999 and O.S.No.121 of 2009 dated 07.03.2015 on the file of the District Munsif Court, Nilakkottai and A.S.No.223 of 1999 dated 30.04.2001 on the file of the Additional District Court, Dindigul 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 sixth 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(CS-II)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Superintendent of Police,

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

Office of the Superintendent of Police,
Dindigul District.



2. The Tahsildar,
Office of the Tahsildar,
Nilakkottai Taluk, Dindigul District.

3. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Nilakkottai Sub-Division, Dindigul District.

4. The Firka Surveyor,
Nilakkottai Firka, Nilakkottai Taluk, Dindigul District.

5. The Inspector of Police,
Villampatti Police Station,
Dindigul District.

+1cc to Mr.S.Malaikani, Advocate Sr.No.75682

+1cc to Spl.Government Pleader Sr.No.76246

SM

VB/KAK/SAR4/09.08.2018/3P/8C

W.P. (MD) No.16081 of 2018
30.07.2018