



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P.(MD) No.15694 of 2018

Karuthakannan

... Petitioner

vs.

1.The Tahsildar,
Thirumangalam Taluk,
Thirumangalam, Madurai District.

2.The Taluk Surveyor,
Office of the Thirumangalam Taluk Office,
Thirumangalam, Madurai District.

3.Sriram

4.P.Kannichamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents No.1 and 2 to survey the petitioner's lands and fix boundary stones in respect of Survey No.286/6 measuring an extent of 0.01.74 Ares (4.25 Cents) situated at A.Kokkulam Village, Thirumangalam Taluk, Madurai District by considering the petitioner's representation dated 23.03.2018 after giving opportunity to the third respondent within a time frame to be stipulated by this Court.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.N.Shanmuga Selvam,

1 & 2

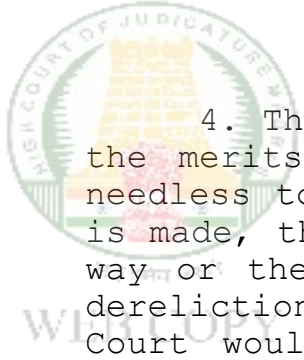
Additional Government Pleader.

O R D E R

Mr.N.Shanmuga Selvam, learned Additional Government Pleader, takes notice for the respondents 1 and 2. Notice to the respondents 3 and 4 are 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 23.03.2018 seeking to survey his lands and fix boundary stones in respect of Survey No.286/6 measuring an extent of 0.01.74 Ares (4.25 Cents) situated at A.Kokkulam Village, Thirumangalam Taluk, Madurai 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 23.03.2018 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 the respondents 3 and 4 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(CO)

/True Copy/

Sub Assistant Registrar(CS-II)

To:

1.The Tahsildar,
Thirumangalam Taluk,
Thirumangalam, Madurai District.

2.The Taluk Surveyor,
Office of the Thirumangalam Taluk Office,
Thirumangalam, Madurai District.

+1cc to M/S.J.Lawrance, Advocate SR.No. 74242

W.P.(MD) No.15694 of 2018

19.07.2018

cp
JM/SKN RSK/SAR 2/01.08.2018/2P/4C