



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P. (MD) No.16330 of 2018

G.Kalaisamy

... Petitioner

vs.

1.The District Collector
Ramanathapuram
Ramanathapuram District

2.The Thasildar
Paramakudi
Ramanathapuram District

3.Pandiammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the second respondent to consider my representation dated 11.07.2018 and to rectify the FMB by showing the land measuring 13 1/2 feet Eastwest and 5 feet Northsouth in Survey No.516/1, Perumalkovil Village, Paramakudi Taluk, Ramanathapuram District, as a pathway within a stipulated time.

For Petitioner : Mr.K.Sudalaiyandi

For Respondents : Mr.N.Shanmuganathan

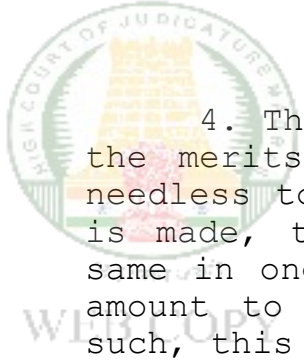
Additional Government Pleader for R1 & R2

ORDER

Mr.N.Shanmuganathan, learned Additional Government Pleader, takes notice for the respondents 1 and 2. Notice to the third 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 11.07.2018 seeking to rectify the FMB showing the land, measuring 13 1/2 Feet on the Eastwest side and 5 Feet on the Northsouth side, comprised in Survey No.516/1 of Perumalkovil Village, Paramakudi Taluk, Ramanathapuram District, as a pathway, has not been considered by the official 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 official 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 11.07.2018 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 third 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-I)

To:

1.The District Collector,
Ramanathapuram,
Ramanathapuram District.

2.The Thasildar,
Paramakudi,
Ramanathapuram District.

+1CC to Mr.K.Sudalaiyandi, Advocate in SR.No.74773.

KRK

DS/KAK/SAR-1 :02.08.2018: 2P/4C

W.P. (MD) No.16330 of 2018
25.07.2018