



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.16336 of 2018

and

W.M.P. (MD) No.14515 of 2018

S.Vijayakumar

... Petitioner

vs.

1. The Commissioner
Palayamkottai Region
Tirunelveli Municipality Corporation
Tirunelveli District

2. The Tahsildar
O/o.Tahsildar
Palayamkottai
Tirunelveli District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondent to consider the representation of the petitioner dated 08.05.2018 in accordance with law by issuing a Patta in the name of the petitioner in schedule mentioned properties concerned in properties in Survey No.Survey No.158/1 measuring about 15 cents, Survey No.158/3 measuring about 4 Acres and Five cents totally 4 Acres and 20 cents situated at Block 3, 25 Ward No.3, Ponnithankulam, Chettikulam Village, Berket Town Sub Registrar Office, Palayamkottai and Registration District of Palayamkottai, Tirunelveli District.

For Petitioner : Mr.R.Sankar Subbu

For Respondents : Mr.Aayiram K.Selvakumar for R1

Mr.J.Gunaseelan Muthiah

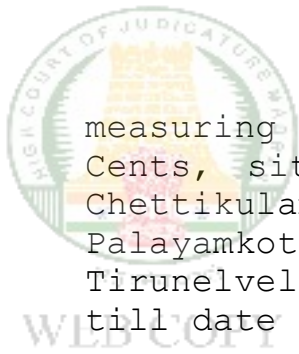
Additional Government Pleader for R2

O R D E R

Mr.Aayiram K.Selvakumar, learned counsel takes notice for the first respondent and Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, takes notice for the second respondent.

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 08.05.2018 seeking for issuance of Patta in his name, in respect of the property, comprised in Survey No.158/1, measuring an extent of 15 Cents, Survey No.158/3,



measuring an extent of 4 Acres and 5 Cents, totally 4 Acres and 20 Cents, situated at Block Nos.3, 25, Ward No.3, Ponnithankulam, Chettikulam Village, Berket Town Sub Registrar Office, Palayamkottai and Registration District of Palayamkottai, Tirunelveli District, 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 08.05.2018 on its own merits and take further action in accordance with law, within a period of three months 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 Vallanadu Murugan, Salem Sasikumar, Balasundaram Selvaraj, Ashok Kumar and Bagathsingh 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar (CS-III)

To

The Tahsildar,

O/o.Tahsildar,

Palayamkottai,

Tirunelveli District.

+1cc to SPECIAL GOVERNMENT PLEADER, SR.No.75139

Krk

MK/SKN/SAR 3/07.08.2018/2P/3C

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and

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