



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P. (MD) No.16377 of 2018

WEB COPY

M.Kalimuthu

... Petitioner

vs.

1. The District Collector
Pudukottai District
2. The Assistant Director of Survey
District Survey Office
Pudukottai.
3. The Tahsildhar
Pudukottai Taluk
Pudukottai District
4. The Firka Surveyor
Varappur
Pudukottai
5. The Inspector of Police
Athanakottai
Pudukottai District
6. A. Kamarasu @ Rajangamurthy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents 2 to 4 to survey and demarcate the petitioner's land measuring 2 Acre and 31 Cents in S.No.628/2a in Athanakottai Village in Pudukottai Taluk and District with the help of the fifth respondent by disposing his representation dated 02.07.2018, by issuing notice to the sixth respondent and all other interesting parties.

For Petitioner : Mr.R.Suriyanarayanan

For Respondents: Mr.N.Shanmuga Selvam

No.1 to 5

Additional Government Pleader

O R D E R

Mr.N.Shanmuga Selvam, learned Additional Government Pleader, takes notice for the respondents. 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 02.07.2018 seeking the respondents 2 to 4 to survey and demarcate the petitioner's land measuring 2 Acre and 31 Cents in S.No.628/2a in Athanakottai Village in Pudukottai Taluk and District, has not been disposed by the third 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 third respondent to dispose the petitioner's representation dated 02.07.2018 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 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(w)

/True Copy/

Sub Assistant Registrar(CS-I)

To:

1. The District Collector
Pudukottai District
2. The Assistant Director of Survey
District Survey Office
Pudukottai.



3. The Tahsildhar
Pudukottai Taluk
Pudukottai District

4. The Firka Surveyor
Varappur
Pudukottai

5. The Inspector of Police
Athanakottai
Pudukottai District.

AAV

VB/KAK/SAR1/07.08.2018/3P/6C

W.P. (MD) No.16377 of 2018
26.07.2018