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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No. 17072 of 2018

P. Nallakurumban

... Petitioner

vs.

1. The District Collector,
Madurai District,
Madurai.

2. The Thasildhar,
Usilampatti Taluk,
Madurai District.

3. The Firka Surveyor,
Usilampatti Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondents to consider petitioner's representation and e-application dated on 16.07.2018 and to survey petitioner's land in Survey No.226/5A accounted in joint Patta No.1666, situated at Karumathur Village, Kottayur Utkadai, Usilampatti Taluk, Madurai District within a time stipulated by this Court.

For Petitioner : Mr.K.K.Samy

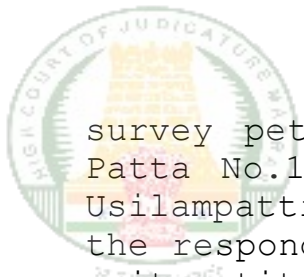
For Respondents: Mr.N.Shanmuga Selvam,
Additional Government Pleader.

O R D E R

Mr.N. Shanmuga Selvam, learned Additional Government Pleader, takes notice for the respondents.

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 and e-application dated 16.07.2018 seeking to



survey petitioner's land in Survey No.226/5A accounted in joint Patta No.1666, situated at Karumathur Village, Kottayur Utkadai, Usilampatti Taluk, Madurai District, has not been considered by the respondent-2 till date and therefore, he has filed the present writ petition.

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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 2nd respondent to consider the petitioner's representation and e-application dated 16.07.2018 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 conducting enquiry and giving due opportunity to the petitioner as well as 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-I)

/True Copy/

Sub Assistant Registrar (CS-I)

To:

1. The District Collector,
Madurai District, Madurai.
2. The Thasildhar,
Usilampatti Taluk,
Madurai District.
3. The Firka Surveyor,
Usilampatti Taluk,
Madurai District.

+ 1 CC TO Mr.K.K.SAMY, ADVOCATE IN SR No. 76271

KSA