

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 01.08.2018****CORAM:****THE HONOURABLE MR. JUSTICE M.S. RAMESH****W.P. (MD) No. 17058 of 2018****WEB COPY**
Chellaiya

... Petitioner

vs.

1. The Tahsildar,
Thottiyam Taluk Office,
Thottiyam,
Trichy District.
2. The Taluk Surveyor,
Thottiyam Taluk Office,
Thottiyam,
Trichy District.
3. The Inspector of Police,
Thottiyam Police Station,
Thottiyam,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the 1st and 2nd respondents to survey petitioner's land in S.F.No.490/3G2A for an extent of 0.1.00 Ares, situated at Thoolurpatti Village, Thottiyam Taluk, Trichy District, with the help of the 3rd respondent on the basis of petitioner's application dated 29.01.2018 under Section 5 of Tamil Nadu Survey and Boundary Act 1923 within the time stipulated by this Court.

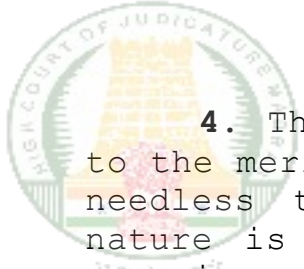
For Petitioner : Mr.T.Vadivelan
For Respondents : Mr.J.Gunaseelanmuthiah,
Additional Government Pleader

O R D E R

Mr.J.Gunaseelanmuthiah, 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 dated 29.01.2018 seeking to survey petitioner's land in S.F.No.490/3G2A for an extent of 0.1.00 Ares, situated at Thoolurpatti Village, Thottiyam Taluk, Trichy District, has not been considered by the 1st 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 1st respondent to consider the petitioner's representation dated 29.01.2018 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-II)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Tahsildar,
Thottiyam Taluk Office,
Thottiyam,
Trichy District.
2. The Taluk Surveyor,
Thottiyam Taluk Office,
Thottiyam,
Trichy District.
3. The Inspector of Police,
Thottiyam Police Station,
Thottiyam,
Trichy District.

+1cc to Mr.T.Vadivelan, Advocate SR.No.76708
+1cc to SPECIAL GOVERNMENT PLEADER, SR.No.76597

Ksa

MK/SKN/SAR 1/04.09.2018/2P/6C