



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No. 17112 of 2018

Mariyayee

... Petitioner

vs.

1. The Tahsildar,
Tahsildar Office,
Alangudi, Pudukkottai District.

2. The Surveyor,
Taluk Tahsildar Office,
Alangudi,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents to Survey No.109/2 to the extent of 0.29.5 Ares (0.73 cents) classified as Punja in which 0.15.5 Ares (0.38 cents) and in S.No.109/7 to the extent of 0.15.5 Ares (0.38 cents) purchased by the petitioner from Rasambal, W/o.Mani, of petitioner's native village on 20.08.2001 as per Alangudi Sub Registrar Office document no.1539/2001 and issue a Patta by considering the petitioner's representation dated 18.04.2018.

For Petitioner : Mr.C.Nagamuthu

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 dated 18.04.2018 seeking to Survey No.109/2 to the extent of 0.29.5 Ares (0.73 cents) classified as Punja in which 0.15.5 Ares (0.38 cents) and in S.No.109/7 to the extent of 0.15.5 Ares (0.38 cents) purchased by the petitioner from Rasambal on 20.08.2001 as per Alangudi Sub Registrar Office document



no.1539/2001 and issue a Patta, has not been considered by the 1st respondent till date and therefore, she 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 .18.04.2018 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-III)

/True Copy/

Sub Assistant Registrar (CS-I)

To:

1. The Tahsildar,
Tahsildar Office,
Alangudi, Pudukkottai District.
2. The Surveyor,
Taluk Tahsildar Office,
Alangudi, Pudukkottai District.

+ 1 CC TO Mr.V.SELVA, ADVOCATE IN SR No. 76351

KSA

TE/SKN/SAR-1 : 10/09/2018 : 2P/4C

<https://hcservices.ecourts.gov.in/hcservices/>

W.P.(MD) No. 17112 of 2018
01.08.2018