



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.17256 of 2018

Kumarasamy Gounder

... Petitioner

vs.

1. The Tahsildhar,
Ettaiyapuram Taluk,
Ettaiyapuram,
Tuticorin District.
2. The Deputy Inspector of Survey,
Tahsildhar Office,
Ettaiyapuram,
Tuticorin District.
3. The Sub Inspector of Police,
Masarpatti Police Station,
Masarpatti,
Ettaiyapuram Taluk,
Tuticorin District.

4. Jeyavelmurugan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents 1 and 2 to survey the land in Natham S.No.1019/31 and 1019/32 Vembur Village with the assistance of the third respondent and sub divide the same after issuance of notice to all parties within a time frame as stipulated by this Hon'ble Court.

For Petitioner : Mr.V.Perumal

For Respondents : Mr.S.Nagarajan

Special Government Pleader

O R D E R

Mr.S.Nagarajan, learned Special Government Pleader, takes notice for the respondents. Notice to the fourth 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.

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3. It is the grievance of the petitioner that his representation dated 17.04.2018 seeking to survey the land, has not



been considered by the first 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 first respondent to consider the petitioner's representation dated 17.04.2018 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 giving due opportunity to the petitioner as well as to the fourth 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 (CS-II)

/True Copy/

Sub Assistant Registrar (CS-II)

To:

1. The Tahsildhar,
Ettaiyapuram Taluk,
Ettaiyapuram,
Tuticorin District.
2. The Deputy Inspector of Survey,
Tahsildhar Office,
Ettaiyapuram,
Tuticorin District.
3. The Sub Inspector of Police,
Masarpatti Police Station,
Masarpatti,
Ettaiyapuram Taluk,
Tuticorin District.

+ 1 CC TO Mr.V.PERUMAL, ADVOCATE IN SR No. 76669

AAV

TE/KAK/SAR-2 : 16/08/2018 : 2P/5C

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