



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2018

C O R A M

WEB COPY

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.23479 of 2018

P.S.Thavasilingam

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Peraiyur Taluk,
Madurai District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Mandamus, to direct the second respondent to consider the petitioner's representation dated 23.01.2018 and consequently direct him to survey and fix the boundary lines of the property in Survey No.189/2A, 189 / 2B situated at Kudichery Village, Peraiyur Taluk, Madurai District.

For Petitioner : Mr.N.Saravanan

For Respondents : Mr.P.Kannidevan

Additional Government Pleader

O R D E R

This writ petition has been filed seeking writ of mandamus to direct the respondents to consider the petitioner's representation dated 23.01.2018 and to survey and fix the boundary lines of the property in Survey No.189/2A, 189 / 2B situated at Kudichery Village, Peraiyur Taluk, Madurai District.

2.Mr.P.Kannidevan, learned Additional Government Pleader, takes notice for the respondents.

3.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4.The case of the petitioner is that the property in survey No.189/2A, 189/2B, Kudichery Village, Peraiyur Taluk, Madurai District to an extent of 1.03 acre was purchased in the year 1962 in the name of his father Periyakuppan in Patta No.532. The same is an agricultural land. Since the second respondent is frequently disturbing his peaceful enjoyment of the said property, the



petitioner wants to fence his land. Therefore, the petitioner sent a representation to the respondents requesting to conduct survey in his land. The same was considered till date. Hence, the present writ petition has been filed by the petitioner with the above said prayer.

WEB COPY

5.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 other. Non consideration of the same would amount to dereliction of their ordinary duties of their office and as such this Court would be justified in invoking its powers under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

6.In view of the limited prayer sought for in this writ petition, there shall be a direction to the respondents to consider the petitioner's representation dated 23.01.2018 as per seniority on its own merits and take further action in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Such an exercise shall be made, after giving notice to the petitioner and any other persons, who may be interested in the subject property.

7.With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The District Collector,
Madurai District, Madurai.

2.The Tahsildar,
Peraiyur Taluk, Madurai District.

• 1 CC TO Mr.N.SARAVANAN , ADVOCATE IN SR No.97027.
+1 cc to Special Government Pleader, SR.No.97334.

TA

DS SKN SAR1 26 12 2018 2P 5C