



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2019

CORAM

THE HON'BLE Mr. JUSTICE R. SURESH KUMAR
W.P. (MD) No.21062 of 2017

Ammaiyappan

... Petitioner

-vs-

1.The Commissioner,
Kodaikanal Municipality,
Kodaikanal, Dindigul District.

2.The Tahsildar,
Kodaikanal Municipality,
Dindigul District.

3.The Taluk Surveyor,
Kodaikanal Municipality,
Dindigul District.

4.N.Nagarajan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to survey the land in survey the land in Ward B, Block No.14, Taluk Survey No.92, to an extent of 39 cents based on the petitioner's representation dated 23.10.2017.

For Petitioner	: Mr.S.Satheesh Kumar
For R-1	: Mr.T.S.Mohamed Mohideen
For R-2 & R-3	: Mr.M.Rajarajan Government Advocate
For R-4	: No Appearance

O R D E R

The prayer sought for in this Writ Petition is for a writ of Mandamus, to direct the respondents 1 to 3 to survey the land in Ward B, Block No.14, Taluk Survey No.92, to an extent of 39 cents, based on the petitioner's representation dated 23.10.2017.



Government Advocate, appearing for the respondents 2 and 3. None appears for the fourth respondent.

3. The petitioner, in order to survey the land claimed to belong to the petitioner in Ward B, Block No.14, Taluk Survey No.92, to an extent of 39 cents, approached the official respondents by giving representation dated 23.10.2017 and since no action seems to have been taken by the official respondents on the said representation, the petitioner has approached this Court, by filing this Writ Petition, with the aforesaid prayer.

4. I have heard Mr.S.Satheesh Kumar, learned counsel, appearing for the petitioner, who would submit that, if the representation of the petitioner is considered by the official respondents and an order to that effect is passed on merits, the petitioner would be satisfied.

5. I have heard Mr.M.Rajarajan, learned Government Advocate, appearing for the respondents 2 and 3, who would submit that, the said representation of the petitioner would be considered and necessary steps would be taken to act upon the said representation by the second and third respondents, within a time frame to be stipulated by this Court.

6. Considering the limited scope of the prayer sought for in this Writ Petition, this Court is inclined to dispose of this Writ Petition with the following directions:-

"That the respondents 2 and 3 are hereby directed to consider the representation of the petitioner dated 23.10.2017 and act thereupon for survey of the boundaries of the land of the petitioner in Ward B, Block No.14, Taluk Survey No.92 and necessary action shall be taken in this regard and complete the same to pass a final order within a period of eight weeks from the date of receipt of a copy of this order."

7. It is made clear that by doing the aforesaid exercise, if any, notice to the fourth respondent shall be given and he shall also be heard.

8. With these observations, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //



To

1.The Commissioner,
Kodaikanal Municipality,
Kodaikanal, Dindigul District.

2.The Tahsildar,
Kodaikanal Municipality,
Dindigul District.

3.The Taluk Surveyor,
Kodaikanal Municipality,
Dindigul District.

+1cc to M/S SPECIAL GOVERNMENT PLEADER, Sr.No.70056

+1cc to M/S.T.S.MOHAMED MOHIDEEN , ADVOCATE, Sr.No.69921

Order made in
W.P. (MD) No.21062 of 2017

BUC (05/07/2019) 3C/6C