



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.8698 of 2020

WEB COPY

Sakkamma

... Petitioner

Vs.

1.The District Head Surveyor,
District Head Surveyor Office,
Theni - 625 531.

2.The Taluk Surveyor,
Uthamapalaym Taluk Office,
Theni District.

3.The Tahsildar,
Uthamapalayam Taluk,
Theni District.

4.The Inspector of Police,
Uthamapalayam Police Station,
Theni District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents herein to survey the petitioner's properties situated in Survey No.328/5B and 328/4B, Patta Nos.1753 and 1754 to an extent of 0.0075 situated at Hanumanthanpatti Village, Uthamapalayam Taluk, Theni and give adequate police protection by considering the petitioner's representation dated 20.07.2020, within a time frame fixed by this Court.

For Petitioner : Mr.S.Vikram

For Respondents : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader

ORDER

The petitioner has filed the present Writ Petition to issue a Writ of Mandamus, directing the respondents to survey the petitioner's properties situated in Survey No.328/5B and 328/4B, Patta Nos.1753 and 1754 to an extent of 0.0075 situated at Hanumanthanpatti Village, Uthamapalayam Taluk, Theni and give adequate police protection by considering the petitioner's representation dated 20.07.2020.

2.Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader takes notice for the respondents.



3.By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

4.According to the petitioner, she is in possession and enjoyment of the property in Survey Nos.328/5B and 358/4B to an extent of 0.0075 at Hanumanthanpatti Village, Uthamapalayam Taluk. In order to survey the above said land and fix the boundaries, the petitioner has submitted her representation on 20.07.2020. Since there is no response, the petitioner has filed the present Writ Petition.

5.Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader appearing for the respondents strongly objected to entertain the Writ Petition on the ground that the petitioner has approached this Court without giving sufficient opportunity to the authorities to consider her application. Further, he submitted that the authority will look into the said application and process the said application as per the Government Order.

6.On perusal of the materials available on record, it is seen that immediately after giving the representation to the respondents, the petitioner has approached this Court within two weeks, without giving sufficient time to the authorities to consider her application and this Court cannot entertain such Writ Petition. As per the Government Order, stipulated time is granted to the respondents to survey the said property and this Court wants to express its anguish against this kind of attitude on the part of the petitioner.

7.In view of the submission made by the learned Additional Government Pleader that the authority will look into the said application and process the said application as per the Government Order and the petitioner has approached this Court without giving sufficient opportunity to the respondents to consider her application, which cannot be entertained, the Writ Petition is dismissed. However, liberty is granted to the petitioner to file a fresh Writ Petition, at a later stage, if necessary. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note:- In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



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To

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+1 CC to M/s.Spl.GP (SR-13727[F] dated 06/08/2020)

Order made in
W.P. (MD) No.8698 of 2020
Dated: 05.08.2020

SMA/14/08/2020/3P/6C