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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.13588 of 2022

E.Palanisamy

... Petitioner

Vs.

1. The Tahsildar,
Salem West,
Suramangalam, Salem - 5,
Salem District.

2. The Taluk Surveyor,
Salem West,
Suramangalam, Salem - 5,
Salem District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to survey and fix the boundaries of petitioner's punjai land in survey Nos.9/4, 9/9, 9/10 and 9/11-A measuring total extent of 42 cents situated at Sivadapuram Village, Panankadu, Andipatty, Salem District under Section 5 of the Tamil Nadu Survey and Boundary Act, 1923 by considering the petitioner's representation dated 06.05.2022 and 20.05.2022 within the time framed by this Hon'ble Court.

For Petitioner : Mr.S.Siva Kumar

For Respondents : Mr.P.Ganesan
Government Advocate

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioner herein had given a representations to the respondents on 06.05.2022 and 20.05.2022 seeking for survey and



fixing the boundaries of his punjai land. Since the said representations were not considered, the present Writ Petition has been filed.

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3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representations dated 06.05.2022 and 20.05.2022 on its own merits and pass appropriate orders in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(T & P)
Vacation Officer

//True Copy//

Sub Assistant Registrar

Sni/Vsi2

To

1. The Tahsildar,
Salem West,
Suramangalam, Salem - 5,
Salem District.



2. The Taluk Surveyor,
Salem West,
Suramangalam, Salem - 5,
Salem District.

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+1cc to Mr.S.Sivakumar, Advocate, S.R.No.32015

W.P.No.13588 of 2022

GSM(CO)
UMA(15/06/2022)