



WEB COPY

W.P. No.30046 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.30046 of 2023

T.Maari

... Petitioner

Vs.

1. The District Collector
Dharmapuri District
Dharmapuri

2. The Tahsildar
Harur
Dharmapuri District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue writ of Mandamus directing the respondents to survey the petitioner's land situated in Survey No.45/03, extended to 1.33 acres, Palayam Village, Harur SRO, Harur Taluk, Dharmapuri District, based on the petitioner's representation dated 04.09.2023.

For Petitioner : Mr.B.Devakumar

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader



ORDER

This Writ petition is filed for a writ of mandamus directing the respondents to survey the petitioner's land situated in Survey No.45/03, extended to 1.33 acres, Palayam Village, Harur SRO, Harur Taluk, Dharmapuri District, based on the petitioner's representation dated 04.09.2023.

2. The contention of the petitioner is that he had applied to resurvey his land and he had also paid the e-challan on 15.03.2023. However, the same was not considered. Again, he made a representation on 04.09.2023. Still no action was taken. Hence, the present writ petition is filed.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents and perused the records.

4. Admittedly, there is no proof to show that the respondents have given any response to the e-challan dated 15.03.2023 made by the petitioner and also to the subsequent representation made by the petitioner on 04.09.2023.

5. When an application or e-challan is received, it is the duty of the



respondents to make necessary arrangements to survey the land and to issue Patta after conducting due enquiry in the manner known to law. In case the respondents had received number of applications, atleast they should inform the applicants regarding the likelihood of taking up the application at an appropriate time.

6. But in this case, so far, the respondents have not given any response to the e-challan or to the representation made by the petitioner. This lethargic attitude of the respondents is highly condemnable. When a citizen of India submits an application or representation, as a public servant, it is the bounden duty of the officials concerned, to respond to the citizen and without responding, keeping the application pending is nothing but dereliction of duty.

7. In the light of the limited scope of prayer sought for in this writ petition and the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the respondents to consider the petitioner's application dated 04.09.2023 if it is otherwise in order and survey his land as per seniority and pass appropriate orders on merits and in accordance with law, after giving an opportunity of hearing to all the owners of adjacent lands and interested parties/rival claimants if any,



as expeditiously as possible, within a period of three months from the date of receipt of copy of this order.

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8. It is made clear that if the lethargic attitude of the officials continues in this way, the officials concerned would be personally held responsible and if any loss is caused to the petitioner, the costs would be recovered from the salary of the concerned officials.

9. With the above directions, the writ petition is disposed of at the admission stage itself. However, there shall be no order as to costs.

17.10.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

1. The District Collector
Dharmapuri District
Dharmapuri

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P.VELMURUGAN. J.

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