



W.P.No.33373 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.33373 of 2023

Durai

... Petitioner

Versus

The Tahsildar,
Gengavalli Taluk Office,
Gengavalli,
Salem District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondent herein to consider the petitioner's application dated 09.03.2022 and consequently direct them to send his subordinates namely Taluk Surveyor to survey the land and fix the boundary stone around the land in Survey No.146/2 to an extent of acres situated at Gengavalli Village & Taluk, Salem District.

For Petitioner : Mr. E. Kannadasan

For Respondent : Mr. P. Gurunathan,
Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondent.



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2. The petitioner made a representation dated 09.03.2022 before the respondent herein to survey his land in S.No.146/2, situated at Gengavalli Village & Taluk, Salem District and to fix the boundary stone around the land. Till now, the respondent has not issued any notice or raised any intimation with regard to the petitioner's representation and the same is kept pending. Therefore, the present Writ Petition is filed before this Court with the prayer to direct the respondent herein to consider the petitioner's application dated 09.03.2022 and consequently direct them to send his subordinates namely Taluk Surveyor to survey the land and fix the boundary stone around the land in Survey No.146/2 to an extent of acres situated at Gengavalli Village & Taluk, Salem District.

3. Though this Court time and again is pressing the decision rendered by this Court, in ***D.Tulasi Vs. The District Revenue Officer, Dharmapuri and etc.***, in W.P.Nos.262 of 2018, batch, etc., dated 09.06.2023, and a Circular No.R1/2005632 /2022 dated 17.07.2023 issued by the Commissioner of Land Administration, to dispose of the application /revision/appeals/representation/petition, within the stipulated time, the respondent/Revenue authorities neither followed the directions of this



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Court, nor followed the Circular issued by the Commissioner of Land Administration.

4. Since the writ petition is filed only for issuance of a simple writ of mandamus to consider the said representation of the petitioner, it is suffice to direct the respondent to issue notice to the petitioner and also to the adjacent parties of the four boundaries to the land in S.No.146/2, after giving notice to the parties, conduct the enquiry proceedings with regard to the said survey number, if the petitioner is otherwise eligible, and pass appropriate orders, within a period of two months from the date of receipt of a copy of this order.

5. With the above directions, the Writ Petition is disposed of. No costs.

6. Since the respondent has not passed any orders on the petitioner's representation dated 09.03.2022, this Court directs the District Collector, Salem District, as well as the the Chief Secretary, Chief Secretary's Office, Government of Tamil Nadu, Secretariat, Chennai-600



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009, to initiate Departmental Proceedings against the respondent herein for not obeying the erstwhile directions of this Court (cited supra) and the above said Circular of the Commissioner of Land Administration, and file the departmental action taken report, within a period of two weeks, from the date of receipt of a copy of this order.

8. Registry is directed to list the matter under the caption “**for reporting compliance**” for submitting the action taken report filed by the Chief Secretary, on 30.01.2024.

29.11.2023

Index : Yes/No
Speaking order : Yes/No
Neutral Case Citation : Yes/No

klt

To:

The Tahsildar,
Gengavalli Taluk Office,
Gengavalli,
Salem District.



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P. VELMURUGAN, J.

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