



W.P.No.34201 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2023

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.34201 of 2023

G.Amirtham

... Petitioner

versus

1. The Tahsildar (Salem Taluk),
Office of the Salem Taluk,
Near A.T.C.Depot, Manakkadu,
Hasthampatty, Salem District.
2. The Assistant Director (Survey & Land Records),
2nd Floor, Collectorate Building,
Salem – 636 001.
3. The Head Surveyor,
Office of the Salem Taluk,
Near A.T.C.Depot, Manakkadu,
Hasthampatty, Salem District.
4. The Firka Surveyor (Land),
Office of the Salem Taluk,
Near A.T.C.Depot, Manakkadu,
Hasthampatty, Salem District.



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5. The Village Administrative Officer,
Valasaiyur Village,
Salem Taluk, Salem District.

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus directing the respondents to consider the petitioner's application dated 30.10.2023 in order to measure the land to an extent of 58 cents, comprised in New Survey No.55/3B1A1 (Old Survey No.55/3B), situated at Valasaiyur Village, Salem Taluk, Salem District by furnishing the Survey Report, thereby fixing boundaries within a stipulated time fixed by this Court.

For Petitioner : Mr.N.Vijaya Baskar
for M/s.Law Vision (ROC No.7968/2015)

For Respondents : Mrs.Senthil Selvi
Government Advocate

ORDER

Mrs.Senthil Selvi, learned Government Advocate accepts notice for the respondents. With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage, itself.

2. The petitioner herein has given an application to the fourth



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respondent on 30.10.2023, seeking to survey, demarcate and file a report in respect of the petitioner's land ad-measuring 58 cents, comprised in New Survey No.55/3B1A1 (Old Survey No.55/3B), situated at Valasaiyur Village, Salem Taluk, Salem District. Since the fourth respondent had not come forward to survey the petitioner's land, the petitioner has given a representation dated 14.11.2023 to the respondents seeking to measure the subject property based on the application dated 30.10.2023, but there was no response from the respondents, and hence, the present Writ Petition has been filed.

3. The learned Government Advocate appearing for respondents submitted that respondents may be directed to consider the petitioner's application and pass orders on merits in accordance with law.

4. 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 them 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

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extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the first respondent herein, to consider the application of the petitioner dated 30.10.2023 and pass appropriate orders on its own merits and in accordance with law, after giving notice to all the interested parties/rival claimants and adjacent owners, within a period of two months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim of the petitioner and that it is open to the first respondent to consider the same on its own merits.

6. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

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Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

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To

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P.VELMURUGAN, J.

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