



W.P.(MD) No.19464 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.19464 of 2024

Easwaran

.. Petitioner

Vs.

1.Head Surveyor,
Land Survey,
Taluk Office,
Oddanchatram Taluk,
Dindigul District.

2.The Tahsildar,
Oddanchatram Taluk,
Dindigul District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the 1st and 2nd respondents to survey the land in old Survey No.489/6 Oddanchatram Village, Oddanchatram Taluk, Dindigul District so as to fix the boundary stones by considering the application dated 06.07.2024 and petitioner's remainder dated 30.07.2024 within a time frame that may be stipulated by this Court.



W.P.(MD) No.19464 of 2024

WEB COPY

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.D.S.Nedunchezhiyan
Government Advocate

ORDER

The above writ petition has been filed for a mandamus to the respondents to survey the petitioner's land pursuant to his application on 06.07.2024 and a reminder on 30.07.2024.

2. The writ jurisdiction of this Court under Article 227 is being misused by persons like the petitioner. A writ is an order issued by a Court directing a public authority to do or forbear from doing an act. A mandamus is an order under which the Court compels a public official to do a particular thing. In other words, the Court, through its writ of mandamus, compels the public authority to perform a duty which he is mandated to do and which he has omitted to do. Therefore, the Court has to be very circumspect and exercise caution while issuing such a mandamus. A public authority has to be given reasonable time for



W.P.(MD) No.19464 of 2024

performing his mandated duty. It is only when he has failed to perform the duty cast upon him within a reasonable time, that litigant who has suffered on account of the inaction, can approach this Court for a direction to the public authority concerned.

3. In the instant case, it is seen that the very application has been made just a month ago, that is on 06.07.2024, which was followed by a reminder on 30.07.2024, which has been received by the authorities on 31.07.2024. The writ has been filed within nine days thereafter. In these circumstances, this Writ Petition is dismissed as being premature. However, this does not preclude the petitioner from seeking recourse, if his request is not redressed. No costs.

14.08.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes

abr



WEB COPY



W.P.(MD) No.19464 of 2024

P.T.ASHA, J.

abr

To

1.Head Surveyor,
Land Survey,
Taluk Office,
Oddanchatram Taluk,
Dindigul District.

2.The Tahsildar,
Oddanchatram Taluk,
Dindigul District.

W.P.(MD) No.19464 of 2024

Dated: 14.08.2024