



W.P.(MD)No.27281 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **15.11.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.27281 of 2024

and

W.M.P.(MD)No.23105 of 2024

G.Sureshkumar

... Petitioner

Vs.

1. The Tahsildar,
Alankudi Taluk,
Pudukkottai District.

2. The Taluk Surveyor,
Alankudi Taluk,
Pudukkottai District.

3. Muthulakshmi

4. Murugesan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents 1 and 2 from surveying the property in S.F.No. 100/6 corresponding survey no. 100/6A2A with an extent of 0.26.50 Ares situate at Kallalankudi Village, Alankudi Post and Taluk, Pudukkottai District till the final adjudication of O.S.No. 69/2020 on the file of the Principal District Munsif Court, Alankudi by considering the petitioner's objection dated 29.10.2024.

For Petitioner : Mr.R.Paranjothi

For Respondents : Mr.A.Kannan (R1 & R2)

Additional Government Pleader



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ORDER

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Mr.A.Kannan, learned Additional Government Pleader takes notice for the respondents. Considering the nature of the limited scope of the relief sought for in this writ petition, notice to the private respondents is dispensed with. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, forbearing the respondents 1 and 2 from surveying the property in S.F.No. 100/6 corresponding survey no. 100/6A2A with an extent of 0.26.50 Ares situated at Kallalankudi Village, Alankudi Post and Taluk, Pudukkottai District, till the final adjudication of O.S.No. 69/2020 on the file of the Principal District Munsif Court, Alankudi by considering the petitioner's objection dated 29.10.2024.”

3. Heard the learned counsel on both sides and carefully perused the entire materials available on record.

4. The petitioner made an objection on 29.10.2024 to the first and second respondents for surveying the property in S.F.No. 100/6 corresponding



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S.No.100/6A2A with an extent of 0.26.50 Ares situate at Kallalankudi Village, Alankudi Post and Taluk, Pudukkottai District, till the final adjudication of O.S.No. 69/2020 on the file of the Principal District Munsif Court, Alankudi . Since the same has not been considered, this writ petition came to be filed.

5. The learned Additional Government Pleader appearing for the official respondents brought to the notice of this Court that in another writ petition filed by the third respondent herein in WP(MD)No.21869 of 2024, this Court, on 13.09.2024, has passed an order directing the respondents therein to conduct survey in respect of the subject property.

6. 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 respondent 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.



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7. In view of the same, this Court hereby direct the respondents 1 and 2 to consider the petitioners' objection dated 29.10.2024 and pass appropriate orders on merits and in accordance with law, before proceeding with survey of the subject property, after affording an opportunity of hearing to the petitioner, the private respondents herein and the parties in the aforesaid writ petition in WP(MD)No.21869 of 2024, within a period of eight weeks from the date of receipt of copy of this order.

8. With the above direction, the Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

15.11.2024

NCC : Yes / No
Index : Yes / No
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TO:-

1. The Tahsildar,
Alankudi Taluk,
Pudukkottai District.

2. The Taluk Surveyor,
Alankudi Taluk,
Pudukkottai District.



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L.VICTORIA GOWRI, J.

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Order made in
W.P.(MD)No.27281 of 2024

Dated
15.11.2024