



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.20850 of 2017

E.Rajasekar

... Petitioner

-vs-

1. The Commissioner,
Kuzhithurai Municipality,
Kuzhithurai,
Kanyakumari District.

2. The Municipal Surveyor,
Kuzhithurai Municipality,
Kuzhithurai ,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to survey the land in survey No.A/5/16 and A5/17-1, Vilavancode Village, Kanyakumari District and fix the boundaries of the said property by considering the application dated 23.12.2016 and his reminder dated 03.11.2017.

For Petitioner	: Mr.S.C.Herold Singh
For Respondents	: Mr.J.Gunaseelan Muthaiah Government Advocate

O R D E R

This writ petition has been filed, seeking to direct the respondents to survey the land in survey No.A/5/16 and A5/17-1, Vilavancode Village, Kanyakumari District and fix the boundaries of the said property by considering the application dated 23.12.2016 and the subsequent reminder dated 03.11.2017 of the petitioner.

2. Mr.J.Gunaseelan Muthiah, learned Government Advocate takes notice for the respondents. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that there is neither civil suit nor rival claim whatsoever pending in respect of the property in question and as such, he has submitted an application dated 23.12.2016 followed by a reminder dated 03.11.2017 for survey of the land. Since the said application has not been considered so far, the petitioner is before this Court with the above prayer.



4. Considering the facts and circumstances of the case and also taking into account the limited scope of the relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the respondents to consider the application/representation of the petitioner dated 23.12.2016 and the subsequent reminder dated 03.11.2017 and pass suitable orders thereon on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and any of the interested parties.

5. With the above direction, this petition is disposed of.
No costs.

Sd/-
Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To:

1. The Commissioner,
Kuzhithurai Municipality,
Kuzhithurai,
Kanyakumari District.

2. The Municipal Surveyor,
Kuzhithurai Municipality,
Kuzhithurai ,
Kanyakumari District.

+One cc to M/s.S.C.Herold Singh, Advocate, SR.No.86661

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RL/4C/2P/KK/SAR1/23/11/2017

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