

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 05.07.2019****CORAM****THE HON'BLE MR.JUSTICE R.SURESH KUMAR****WEB COPY****W.P. (MD) No.14430 of 2019**

M.Alexander

... Petitioner

-Vs-

1.The Head Surveyor,
Lands Survey,
Taluk Office,
Vilavancode, Kanyakumari District.

2.The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to survey the land in Survey No.374/7 in Aruthesam Village, Vilavancode Taluk, Kanyakumari District by considering the application dated 07.06.2019 within a time frame that may be stipulated by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.M.Rajarajan
Government Advocate

ORDER

The prayer in this writ petition is for a Writ of Mandamus, to direct the respondents to survey the land in Survey No.374/7 in Aruthesam Village, Vilavancode Taluk, Kanyakumari District by considering the application dated 07.06.2019, within a time frame that may be stipulated by this Court.

2.Heard Mr.S.C.Herold Singh, learned counsel appearing for the petitioner and Mr.M.Rajarajan, learned Government Advocate appearing for the respondents.

3.The petitioner, in order to survey his land and identify the boundary in Survey No.374/7 in Aruthesam Village, Vilavancode Taluk, Kanyakumari District, has made a representation on 07.06.2019 before the second respondent.

4.The learned counsel for the petitioner seeks direction from this Court to the second respondent to consider the said representation of the petitioner, on merits, within a time frame.



5. However, Mr.M.Rajarajan, learned Government Advocate appearing for the respondents, on instructions, would submit that, the land belongs to the petitioner, which is sought to be measured, comes under the jurisdiction of Killiyur Taluk, after bifurcation. Therefore, necessary application has to be made before the concerned Tahsildar and if such an application is made before the concerned Tahsildar, the same would be decided on merits.

6. Having regard to the said submission made by the learned Government Advocate for the respondents, this Court is inclined to dispose of this writ petition with the following direction:-

"that the petitioner shall give a fresh application along with copy of this order to the Tahsildar, Killiyur Taluk, Kanyakumari District and on receipt of such application, the same shall be considered on merits and in accordance with law, by the Tahsildar, Killiyur Taluk, within a period of six weeks from the date of receipt of a copy of this order, after giving an opportunity of bearing heard to the petitioner as well as the rival claimant, if any."

No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Head Surveyor,
Lands Survey,
Taluk Office, Vilavancode,
Kanyakumari District.
2. The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.
3. The Tahsildar,
Killiyur Taluk,
Kanyakumari District.

+1 CC to Mr.S.C.HEROLDSINGH, Advocate SR-73827.
+1 CC to SPL GP SR-73916.

W.P. (MD) No.14430 of 2019
05.07.2019