



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.08.2019**

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.17617 of 2019

and

W.M.P(MD) .No.14084 of 2019

A.Sundaraj

... Petitioner

-Vs-

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Competent Authority &
District Revenue Officer,
Land Acquisition National Highways,
Tirunelveli @ Nagercoil,
Kanyakumari District.
- 3.The Project Director cum DGM (Tech)
No.314E, K.P.Road,
Near Ayappan Kovil,
Parvathipuram, Nagercoil-629 003,
Kanyakumari District.
- 4.The Union of India,
rep., by its Secretary,
Ministry of Road Transport and Highways,
Transport Bhawan,
No.1, Parliament Street,
New Delhi.
- 5.The Special Tahsildar (LANH Unit III),
Villvancode, Thiruthuvapuram,
Kanyakumari District.
- 6.The Revenue Divisional Officer,
Padmanapuram,
Kanyakumari District.
- 7.The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.



8.The Land Surveyor,
O/o.The Tahsildar, Kalkulam Taluk,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the sixth respondent to pass orders on the appeal dated 13.12.2018 filed under Section 12 of the Tamil Nadu Survey and Boundaries Act.

For Petitioner : Mr.G.Justin
For Respondents : Mrs.Vaishnavi (for R1,R2, R5 to R8)
Government Advocate
Mr.SU.Srinivasan (for R3)
Standing Counsel
Mr.P.Panneer Selvam (for R4)

ORDER

The prayer sought for in this writ petition is that, to direct the sixth respondent to pass orders on the appeal, dated 13.12.2018 filed under Section 12 of the Tamil Nadu Survey and Boundaries Act.

2.Heard Mr.G.Justin, learned counsel appearing for the petitioner, Mrs.Vaishnavi, learned Government Advocate appearing for the respondents 1, 2 and 5 to 8, Mr.SU.Srinivasan, learned Standing Counsel for the third respondent and Mr.P.Panneer Selvam, learned counsel for the fourth respondent.

3.With the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

4.As against the order passed by the Tahsildar, Kalkulam Taluk, Kanyakumari District, the petitioner preferred an appeal before the sixth respondent ie., the Revenue Divisional Officer, Padmanabhapuram, Kanyakumari District, on 13.12.2018 with regard to the survey and identify the boundary of the lands in question of the petitioner and the said appeal is still pending with the sixth respondent. Therefore, the learned counsel appearing for the petitioner would submit that, if the appeal is decided by the sixth respondent on merits and in accordance with law, the petitioner would be satisfied.

5.I have heard the learned Government Advocate appearing for the sixth respondent would submit that, the said appeal pending before the sixth respondent would be decided on merits and in accordance with law, within a time to be stipulated by this Court.

6.Considering the limited scope of the prayer sought for herein, this Court is inclined to dispose of this writ petition with the following directions:-



"that the sixth respondent is hereby directed to consider the appeal filed by the petitioner, dated 13.12.2018 and pass order 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.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (AD-II)

/TRUE COPY/

Sub Assistant Registrar

rmk

To

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. The Competent Authority &
District Revenue Officer,
Land Acquisition National Highways,
Tirunelveli @ Nagercoil,
Kanyakumari District.
3. The Special Tahsildar (LANH Unit III),
Villvancode, Thiruthuvapuram,
Kanyakumari District.
4. The Revenue Divisional Officer,
Padmanapuram,
Kanyakumari District.
5. The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.
6. The Land Surveyor,
O/o. The Tahsildar, Kalkulam Taluk,
Kanyakumari District.

+1 CC to M/s. G. JUSTIN, Advocate (SR-80866[F] dated 09/08/2019)

+1 CC to M/s. P. PANNIRSELVAM, Advocate SR-81148[F] dated 09/08/2019
<https://hcservices.ecourts.gov.in/hcservices/>



+1 CC to M/s.SU, SRINIVASAN, Advocate (SR-81149[F] dated
09/08/2019)

+1 CC to M/s.SPL GP (SR-81483[F] dated 13/08/2019)

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JM/16.10.2019/4P/11C