



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2019

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.16703 of 2019

Muthaiah

...Petitioner

-Vs-

1.The Tahsildar,
Theni Taluk,
Theni, Theni District.

2.The Taluk Surveyor,
Theni Taluk, Theni,
Theni 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 properties in Survey Nos.353/3C, 354/2 and 354/3A at Jangalpatti Village, Theni Taluk, Theni District and to fix boundary stones thereby considering the petitioner's application dated 17.07.2019.

For Petitioner : Mr.U.Antony Santhosh
For Respondents : Mr.C.M.Mari Chellaiah Prabhu
Additional Government Pleader

ORDER

The prayer in this writ petition is for a Writ of Mandamus, to direct the respondents to survey the properties in Survey Nos.353/3C, 354/2 and 354/3A at Jangalpatti Village, Theni Taluk, Theni District and to fix boundary stones thereby considering the petitioner's application dated 17.07.2019.

2.Heard Mr.U.Antony Santhosh, learned counsel appearing for the petitioner and Mr.C.M.Mari Chellaiah Prabhu, learned Additional Government Pleader appearing for the respondents.

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

4.The petitioner, in respect of the land at Survey Nos.353/3C, 354/2 and 354/3A at Jangalpatti Village, Theni Taluk, Theni District, had made an application to the first respondent on 17.07.2019 to survey the said land and identify the four boundaries,



for which, the necessary fees has also been paid. Hence, the learned counsel for the petitioner submits that, if the said application of the petitioner is directed to be decided by the first respondent on merits and in accordance with law, within a time frame to be stipulated by this Court, the petitioner would be satisfied.

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5.I have heard Mr.C.M.Mari Chellaiah Prabhu, learned Additional Government Pleader appearing for the respondents, who would submit that, the said application of the petitioner dated 17.07.2019 would be decided by the first respondent on merits and in accordance with law, within a time frame to be stipulated by this Court.

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

"that the first respondent is hereby directed to consider the representation of the petitioner, dated 17.07.2019 and pass orders thereon, on merits and in accordance with law with regard to the grievance made therein by the petitioner and accordingly, final order shall be passed, within a period of eight weeks from the date of receipt of a copy of this order, after hearing the petitioner as well as the rival claimants, if any."

No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Tahsildar,
Theni Taluk,
Theni, Theni District.

2.The Taluk Surveyor,
Theni Taluk, Theni,
Theni District.

+1 CC to Mr.V.SANKARA NARAYANAN, Advocate SR-78322.

+1 CC to SPL GP SR-78527.

W.P. (MD) No.16703 of 2019
29.07.2019

CS(12.09.2019) 2P 5C