



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.09.2019

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THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P. (MD)No.19135 of 2019

Muruga Saraswathy

... Petitioner

vs.

1.The District Collector,
Collectorate,
Tirunelveli District.

2.The Tahsildhar,
Tahsildhar Office,
Sivagiri Taluk,
Tirunelveli District.

3.The Taluk Surveyor,
Sivagiri Taluk,
Tirunelveli District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to measure the petitioner's lands by considering the petitioner's representation dated 28.03.2019 within the stipulated period as fixed by this Court.

For Petitioner : Mr.K.Rajeshwaran

For Respondents: Mr.M.Pandiarajan
Additional Government Pleader

ORDER

Mr.K.Rajeshwaran, learned Counsel on record for the writ petitioner is before this Court.

2. Mr.M.Pandiarajan, learned Additional Government Pleader, accepts notice on behalf of all the three respondents.

3. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.



4. The main writ petition turns on very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 28.03.2019, wherein what according to the writ petitioner are her lands have been sought to be surveyed and measured / localised.

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5. Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned Counsel for writ petitioner abridges the scope of instant writ petition and submits that it will suffice if the second respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 28.03.2019.

6. Learned State Counsel submitted that the second respondent is the authority who shall consider the aforementioned representation dated 28.03.2019 made by the writ petitioner (page No.12 of the typed set of papers forming part of the case file).

7. It is made clear that in the course of the representation being considered by the second respondent, if the rights of any other third party / parties or any other third party entity / entities is likely to be affected, the second respondent shall give reasonable opportunity to such third party / parties or any other third party entity/entities, before disposing of the aforementioned writ petitioner's representation though obviously, it is made clear that this Court has not expressed any opinion or view on the merits of the matter.

8. The aforesaid representation dated 28.03.2019 shall be disposed of by the second respondent on its own merits and in accordance with law as expeditiously as possible and in any event, within a period of eight weeks from the date of receipt of a copy of this order.

9. The proceeding / order shall be duly communicated by the office of the second respondent to the writ petitioner under due acknowledgement within seven working days from the completion of aforesaid exercise.

10. Instant Writ Petition is disposed of with the above directions. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //



To

1.The District Collector,
Collectorate,
Tirunelveli District.

2.The Tahsildhar,
Tahsildhar Office,
Sivagiri Taluk,
Tirunelveli District.

3.The Taluk Surveyor,
Sivagiri Taluk,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-85036[F] dated 04/09/2019)

+1 CC to M/s.K. RAJESHWARAN, Advocate (SR-85135[F] dated 04/09/2019

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