



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.09.2019**

CORAM:

THE HONOURABLE **MR. JUSTICE M. SUNDAR**

W.P. (MD) No. 19169 of 2019

K.Chittu

... Petitioner

/Vs./

1.The District Collector,
Collectorate Office campus,
Sivagangai District.

2.The Tahsildar,
Devakottai Taluk,
Sivagangai District.

3.The Town Surveyor,
Devakottai Taluk,
Sivagangai District.

... Respondents

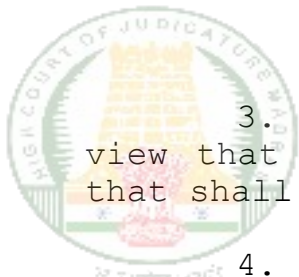
PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st Respondent to give appropriate direction to the 2nd and 3rd respondents to consider the petitioner's representation dated 08.08.2019 and consequently survey the petitioner's land to measure and demarcate by fixing the boundary in town survey ward "M" Block 2 Town Survey No.22 to an extent of 0.0530.5 square feet and extend 5710 square feet of vacant site situated at Devakottai Taluk, Sivagangai District, within time frame fixed by this Court.

For Petitioner	: Ms.M.Viveka for Ms.K.M.Priscilla Jancy
For Respondents	: Mr.K.Mu.Muthu Additional Government Pleader

ORDER

Ms.M.Viveka, learned counsel representing counsel on record for writ petitioner is before this Court.

2. Mr.K.Mu.Muthu, learned Additional Government Pleader accepts notice on behalf of all the three respondents.



3. After hearing the matter, this Court is of the considered view that this writ petition deserved to be dismissed for reasons that shall be alluded to infra.

4. The primary reason is, instant writ petition is one for Mandamus qua a representation dated 08.08.2019 (hereinafter referred to as 'said representation' for the sake of brevity, convenience and clarity), which is a request for surveying the petitioner's land or in other words for localizing the petitioner's land, but said representation has been despatched only on 30.08.2019 at 10.58 a.m., in the forenoon as is evident from the postal receipts annexed to the typed set of papers forming part of the case file.

5. As rightly pointed out by learned State counsel, the writ petition itself has been filed only on 29.08.2019. The seal in the writ petition as well as coding sheet reveal that the writ petition has been presented and filed on 29.08.2019 itself. Therefore, it emerges clearly from the request placed before this Court by the writ petitioner or in other words from the case file placed before this Court by the writ petitioner that the representation which is subject matter of instant writ petition and disposal of which is the central theme of instant writ petition has been despatched / mailed post filing of the writ petition.

6. To be noted, there are 3 postal receipts pertaining to 3 respondents herein and all the three postal receipts reveal that said representation has been mailed only on 30.08.2019.

7. From the narration thus far, it emerges clearly that no case has been made out for Mandamus qua said representation.

8. Faced with the above situation, learned counsel strenuously pleaded that the rights of the writ petitioner may please be preserved to the extent that writ petitioner can send a fresh representation and seek a Mandamus, if there is inaction for considerable length of time.

9. Instant writ Petition is dismissed preserving rights of the writ petitioner in the aforesaid manner. This Court refrains itself from imposing cost, owing to the nature of submissions made.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar



To

1.The District Collector,
Collectorate Office campus,
Sivagangai District.

2.The Tahsildar,
Devakottai Taluk,
Sivagangai District.

3.The Town Surveyor,
Devakottai Taluk,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-85315[F] dated 05/09/2019)

Order made in
W.P. (MD)No.19169 of 2019
Dated:04.09.2019

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MS/19.09.2019/3P.5C