



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.09.2019**

CORAM:

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

W.P (MD)No.20300 of 2019

and

W.M.P (MD)Nos.16906 and 16907 of 2019

WEB COPY

1.S.Appadurai

2.A.Easwaran

... Petitioners

/Vs./

1.The Revenue Divisional Officer,
Nagercoil,
Kanyakumari District.

2.The District Registrar,
Nagercoil,
Kanyakumari District.

3.The Sub Registrar (Registration),
Nagercoil,
Kanyakumari District.

4.The Managing Director,
Tamil Nadu Housing Board Buildings,
Nandanam,
Chennai - 600 035.

5.The Tahsildar,
Agasteeswaram Taluk,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings of the 1st respondent in Na.Ka.A3/63/2014 dated 06.08.2014 and quash the same in respect of the petitioners' property in Survey No.L5/7-7B of Agastheeswaram Taluk, Vadiveeswaram Village, Sarakalvilai, Nagercoil, Kanyakumari District and consequently direct the 3rd respondent to register the documents relating to Survey No.L5/7-7B of Agastheeswaram Taluk, Vadiveeswaram Village, Sarakalvilai, Nagercoil, Kanyakumari District in accordance with law.

For Petitioners : Mr.C.Sankar Prakash

For R-1 & R-5 : Mr.Aayiram K.Selvakumar
Additional Government Pleader

For R-2 & R-3 : Mr.M.Murugan
Government Advocate

For R-4 : Mr.M.Mahaboob Athiff



Standing Counsel

ORDER

Mr.C.Sankar Prakash, learned counsel on record for writ petitioners is before this Court.

2. Mr.Aayiram K.Selvakumar, learned Additional Government Pleader, accepts notice on behalf of both the respondents 1 and 5, Mr.M.Murugan, learned Government Advocate, accepts notice on behalf of respondents 2 and 3 and Mr.M.Mahaboob Athiff, learned Standing counsel accepts notice on behalf of respondent No.4.

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

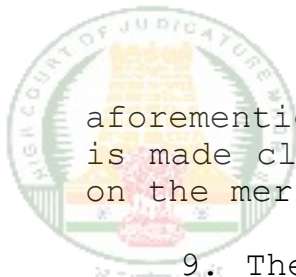
4. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioners' representation dated 22.07.2019 wherein writ petitioners have sought removal of lands comprised in specific survey number mentioned in the representation from lands acquired by TamilNadu Housing Board, as according to writ petitioners, acquisition proceedings were quashed by High Court.

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 petitioners abridges the scope of the writ petition and submits that it will suffice if the first respondent is directed to dispose of the aforementioned representation of the writ petitioners, dated 22.07.2019, details of which have been alluded to supra.

6. Learned State counsel submitted that the first respondent is the authority who shall consider the aforementioned representation dated 22.07.2019 made by the writ petitioners (page Nos.84 & 85 of the typed set of papers forming part of the case file).

7. The aforesaid representation dated 22.07.2019 shall be disposed of by the first respondent on its own merits and in accordance with law as expeditiously as possible and in any event, within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. It is made clear that in the course of the representation being considered by the first respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the first respondent shall give reasonable opportunity to such third party / parties or any other third party entity / entities, before disposing of the



aforementioned writ petitioners' representation. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter.

9. The proceeding / order of disposal shall be communicated by the office of the first respondent to the writ petitioners under due acknowledgement within seven (7) working days from the completion of aforesaid exercise.

10. Instant Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Revenue Divisional Officer,
Nagercoil, Kanyakumari District.

2.The District Registrar,
Nagercoil, Kanyakumari District.

3.The Sub Registrar (Registration),
Nagercoil, Kanyakumari District.

4.The Tahsildar,
Agasteeswaram Taluk,
Nagercoil, Kanyakumari District.

+1 CC to M/s.J.PANDI DURAI, Advocate (SR-88134[F] dated
20/09/2019)

+1 CC to M/s.GP (SR-88532[F] dated 23/09/2019), (SR-88559[F] dated 23/09/2019)

W.P(MD)No.20300 of 2019
20.09.2019

KK/SAR/03.10.2019/3P-7C/