



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.19493 of 2019

Lakshmi

... Petitioner

vs.

1.The District Collector,
District Collector Office,
Tirunelveli.

2.The Tahsildar,
Thiruvengadam Taluk Office,
Thiruvengadam,
Tirunelveli District.

3.The Head Surveyor,
Thiruvengadam Taluk Office,
Thiruvengadam,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent to survey and mark four boundaries in the petitioner's property in Survey No. 87/2 and Plot No. 51 and 52 in Maipparai Village, Thiruvengadam Taluk Tirunelveli District based on petitioner's representation dated 05.08.2019 and 27.08.2019.

For Petitioner : Mr.R.Senthilkumar
for Mr.P.Ponraj

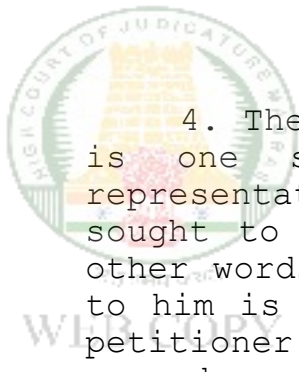
For Respondents : Mr.B.Bhagawathi
Government Advocate

ORDER

Mr.R.Senthil Kumar, learned representing counsel on record for writ petitioner is before this Court.

2. Mr.B.Bhagawathi, learned Government Advocate, accepts notice on behalf of all 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 a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 17.02.2019 wherein the writ petitioner has sought to have, what according to him is his land localised. In other words, the writ petitioner has sought to have (what according to him is his land) surveyed, measured and boundaries fixed. Writ petitioner undertakes to pay charges and prescribed fees in this regard.

5. To be noted, the prayer in the writ petition refers representations dated 05.08.2019 and 27.08.2019. The learned counsel at the hearing submits that this is a typographical error and that the request is qua representation dated 17.02.2019

6. 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 the writ petition and submits that it will suffice if the third respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 17.02.2019, details of which have been alluded to supra.

7. Learned State counsel submitted that the third respondent is the authority who shall consider the aforementioned representation dated 17.02.2019 made by the writ petitioner (page Nos.13 to 16 of the typed set of papers forming part of the case file).

8. It is made clear that in the course of the representation being considered by the third respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the third 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 obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter.

9. The aforesaid representation dated 17.02.2019 shall be disposed of by the third 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.

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



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11. Instant Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar

To

1.The District Collector,
District Collector Office,
Tirunelveli.

2.The Tahsildar,
Thiruvengadam Taluk Office,
Thiruvengadam,
Tirunelveli District.

3.The Head Surveyor,
Thiruvengadam Taluk Office,
Thiruvengadam,
Tirunelveli District.

+1 CC to M/s.P.PONRAJ, Advocate (SR-85959[F] dated 09/09/2019)

+1 CC to M/s.GP (SR-86154[F] dated 10/09/2019)

W.P (MD) No.19493 of 2019
09.09.2019

TSG

MS/18.09.2019/3P.6C