



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.09.2019**

CORAM:

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

W.P(MD)No.19840 of 2019

WEB COPY

Muthukumar

... Petitioner

Vs.

1.The Tahsildar,
Collector Office,
South Taluk, Madurai.

2.The Taluk Surveyor,
Collector Office,
South Taluk, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to conduct survey and boundary mark the petitioner's land comprised in Survey No.510/1B in Avaniyapuram village at Madurai District by considering the representation of the petitioner dated 28.08.2019 within the period that may be stipulated by this Court.

For Petitioner : Mr.V.Vishnu
for Mr.K.S.Durai Pandian

For Respondents : Mr.B.Bhagavathi
Government Advocate

ORDER

Mr.V.Vishnu, learned counsel on record for writ petitioner is before this Court.

2. Mr.B.Bhagavathi, learned Government Advocate, accepts notice on behalf of 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 28.08.2019 wherein writ petitioner has requested that the property which according to him, belongs to him (writ petitioner submits that the property has been purchased vide sale deed dated 15.10.2014) to be measured and boundaries to be



earmarked. In other words the plea is for localised the property and its boundaries.

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 the 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 28.08.2019, details of which have been alluded to supra.

6. Learned State counsel submitted that the second respondent is the authority who shall consider the aforementioned representation dated 28.08.2019 made by the writ petitioner (page Nos.34 and 35 of the typed set of papers forming part of the case file).

7. The aforesaid representation dated 28.08.2019 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 (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 second respondent, if the rights of any other third party / parties or any other third party entity / entities is / are 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 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 second respondent to the writ petitioner 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. There shall be no order as to costs.

Sd/-

Assistant Registrar (CO)

/ True Copy /

Sub Assistant Registrar (CS-)



To

1.The Tahsildar,
Collector Office,
South Taluk, Madurai.

2.The Taluk Surveyor,
Collector Office,
South Taluk, Madurai.

+1 CC to M/s.K.S.DURAI PANDIAN, Advocate
(SR-87046[F] dated 17/09/2019)

+1 CC to M/s.SPL GP (SR-87562[F] dated 18/09/2019)

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17.09.2019

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