



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.09.2019**

CORAM:

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

W.P(MD)No.20451 of 2019

Kala

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
O/o the Revenue Divisional Officer,
Madurai Collectorate Campus,
Madurai District.

3.The Tahsildar,
O/o the Tahsildar,
Thirupparankundram Taluk,
Madurai District.

4.The Land Surveyor,
Thanakkankulam Village,
Thirupparankundram,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to pass necessary orders to the respondents 2 to 4 to measure and demarcate the land with reference to the field measurement book and as per the schedule found in the document in respect an extent of 32 cents out of 0.94.6 ares comprised in Survey No.173/20A1 which was subdivided as 173/3, situated at Thanakkankulam Village, Thiruparankundram Taluk, Madurai District, based on the representation dated 20.03.2019 and 31.08.2019 within a time frame that may be stipulated by this Court.

For Petitioner : Mr.M.Jothiramalingam

For Respondents : Mr.M.Pandiarajan
Additional Government Pleader



ORDER

Mr.M.Jothiramalingam, learned counsel on record for writ petitioner is before this Court.

2. Mr.M.Pandiarajan, learned Additional Government Pleader, accepts notice on behalf of all four 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 31.08.2019 wherein writ petitioner has made a request to survey, measure and fix boundaries or in other words, localise the land which according to writ petitioner belongs to her.

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 third respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 31.08.2019, details of which have been alluded to supra.

6. Learned State counsel submitted that the third respondent is the authority who shall consider the aforementioned representation dated 31.08.2019 made by the writ petitioner (page Nos.26 and 27 of the typed set of papers forming part of the case file).

7. The aforesaid representation dated 31.08.2019 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 (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 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 proceeding / order of disposal shall be communicated by the office of the third 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)

WEB COPY

// True Copy //

Sub Assistant Registrar

To

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
O/o the Revenue Divisional Officer,
Madurai Collectorate Campus,
Madurai District.
- 3.The Tahsildar,
O/o the Tahsildar,
Thirupparankundram Taluk,
Madurai District.
- 4.The Land Surveyor,
Thanakkankulam Village,
Thirupparankundram,
Madurai District.

+1 CC to M/s.GP (SR-89037[F] dated 24/09/2019)

+1 CC to M/s.M.JOTHI RAMALINGAM, Advocate (SR-88633[F] dated 23/09/2019

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SSL

MS/01.10.2019/3P.7C