



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.09.2019**

CORAM:

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

W.P (MD)No.20177 of 2019

Selvam

... Petitioner

Vs.

1.The Tahsildar,
Agatheeswaram, Agatheeswaram Taluk,
Nagercoil, Kanyakumari District.

2.The Taluk Surveyor,
Agastheeswaram Taluk,
Nagercoil, Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to survey and measure the petitioner's land in New S.No.548/16, Old S.No.1094, Vembanoor East Village, Agastheeswaram Taluk, Rajakkamangalam Sub District, Kanyakumari District admeasuring 5 cents = 0.02.0 Ares (202.4sq.m) .

For Petitioner : Mr.N.Dilip Kumar
For Respondents : Mr. Aayiram K.Selvakumar
Additional Government Pleader

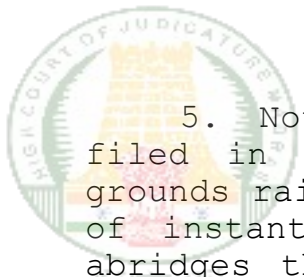
ORDER

Mr.N.Dilip Kumar, learned counsel on record for writ petitioner is before this Court.

2. Mr.Aayiram K.Selvakumar, learned Additional Government Pleader accepts notice on behalf of both 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 08.02.2019 wherein writ petitioner has sought what according to him is his property to be measured and boundaries to be fixed. In other words, the writ petitioner's plea is to have the property which according to him, belongs to the writ petitioner to be localised.



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 08.02.2019, 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 08.02.2019 made by the writ petitioner (page No. 23 (clean copy at page No.23A) of the typed set of papers forming part of the case file).

7. The aforesaid representation dated 08.02.2019 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

To

1.The Tahsildar,
Agastheeswaram, Agastheeswaram Taluk,
Nagercoil, Kanyakumari District.



2.The Taluk Surveyor,
Agastheeswaram Taluk,
Nagercoil, Kanyakumari District.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-88161[F] dated 20/09/2019)

WEB COPY
+1 CC to M/s.SPL GP (SR-88323[F] dated 20/09/2019)

W.P (MD) No.20177 of 2019
19.09.2019

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