



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.09.2019**

CORAM:

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

W.P (MD)No.20876 of 2019

Malarkodi

... Petitioner

/Vs./

1. The District Collector,
Madurai District.

2. The Tahsildar,
Usilampatti Taluk, Madurai District.

3. The Taluk Surveyor,
Usilampatti Taluk Office,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents no.2 and 3 to survey and demarcate the petitioner's land bearing survey no.66/3B1 in an extent of 5 cents situated on the north-west portion of 10 cents from the total extent of 0.40.5 ares 1 acre Ayan Punja Land is situated at Sembatti Village, Sindhupatti Sub Division, Periyakulam Registration, Usilampatti Taluk, Madurai District, as per the sale deed in document no.548/2012 by considering the petitioner's representation dated 20.08.2019.

For Petitioner : Mr.R.Jenifer Bibin

For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader

ORDER

Ms.R.Jenifer Bibin, learned counsel on record for writ petitioner is before this Court.

2. Mr.K.Mu.Muthu, learned Additional Government Pleader, accepts notice on behalf of all the three (3) respondents.

<https://hcservices.courts.gov.in/hcservices/> 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 22.08.2019 wherein writ petitioner has sought measurement, survey and fixing of boundaries or in other words localising of land which according to writ petitioner belongs to her. To be noted, though the prayer in the writ petition is for disposal of representation dated 20.08.2019, learned counsel for writ petitioner submits that the date of representation is wrongly mentioned in the petition and in the index to typed set of papers as 20.08.2019, but the correct date of representation is 22.08.2019.

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 22.08.2019, 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 22.08.2019 made by the writ petitioner (page No.26 of the typed set of papers forming part of the case file).

7. The aforesaid representation dated 22.08.2019 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. No costs.

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// True Copy //

Sd/-

Assistant Registrar (CS-II)

Sub Assistant Registrar(CS)

To

1. The District Collector,
Madurai District.
2. The Tahsildar,
Usilampatti Taluk,
Madurai District.
3. The Taluk Surveyor,
Usilampatti Taluk Office,
Madurai District.

+1 CC to M/s.JENIFER BIBIN, Advocate (SR-90328[F] dated
30/09/2019)

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-90526[F] dated
30/09/2019)

Order made in
W.P(MD)No.20876 of 2019
Dated:27.09.2019

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AE/ (16.10.2019) 3P 6C