



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.09.2019**

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.20886 of 2019

WEB COPY

T.Balakrishnan

... Petitioner

/Vs./

1. The District Collector, Madurai District.

2. The Revenue Divisional Officer, Madurai.

3. The Tahsildar,
Madurai South Taluk, Madurai.

4. The Thasildar,
Thirupparankundram Taluk,
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 the 4th respondent herein to consider and pass final orders on the representation of the petitioner dated 05.09.2019 for demarcating boundary of the land of free patta in Survey No.9/3, in plot No.31 for the total extent of 64 sq.ft. situated at K.Puthupatti Village, Thiruparankundram Taluk, Madurai District, as per the order of the 3rd Respondent in his proceedings in Na.Ka.No.10445/2011/C2, dated 19.08.2011 and in the light of the order already passed by this Court in WP(MD).No.17375 of 2014 dated 29.10.2014, within reasonable time as may be fixed by this Court.

For Petitioner : Mr.P.Venkatesan

For Respondents : Mr.K.Mu.Muthu

Additional Government Pleader

ORDER

Mr.P.Venkatesan, 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 four (4) 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

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representation dated 05.09.2019 wherein writ petitioner has made a plea to measure, survey and fix boundaries for land which according to writ petitioner was assigned to the writ petitioner vide a free land patta dated 19.08.2011. To be noted, writ petitioner undertakes to pay prescribed fee and necessary charges in this regard. It is also pointed out that another assignee had earlier moved this Court with a similar prayer vide W.P.(MD)No.17375 of 2014 and the same was disposed of by a Hon'ble Single Judge of this Court by an order dated 29.10.2014 (page Nos.7 and 8 of the typed set of papers forming part of the case file). Though the prayer is for disposal of representation dated 05.09.2019, learned counsel for writ petitioner now seeks disposal of representation dated 20.11.2018.

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 fourth respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 20.11.2018, details of which have been alluded to supra.

6. Learned State counsel submitted that the fourth respondent is the authority who shall consider the aforementioned representation dated 20.11.2018 made by the writ petitioner (page Nos.9 and 10 of the typed set of papers forming part of the case file).

7. The aforesaid representation dated 20.11.2018 shall be disposed of by the fourth 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 fourth respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the fourth 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 fourth 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.

Sd/-

Assistant Registrar (CS-II)

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// True Copy //

Sub Assistant Registrar(CS)

To

1. The District Collector, Madurai District.
2. The Revenue Divisional Officer, Madurai.
3. The Tahsildar,
Madurai South Taluk, Madurai.
4. The Thasildar,
Thirupparankundram Taluk,
Madurai District.

+1 CC to Mr.P.VENKATESAN, Advocate (SR-90116[F] dated 27/09/2019)

Order made in
W.P(MD)No.20886 of 2019
Dated:27.09.2019

SM

MK (17.10.2019) 3P 6C