



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P (MD)No.20926 of 2019

P.Puliyammal

... Petitioner

vs.

1.The District Collector,
Madurai District,
Madurai.

2.The District Surveyor,
Madurai District,
Collectorate,
Madurai - 625 020.

3.The Tahsildar,
Melur Taluk,
Melur - 625 106,
Madurai District.

4.The Taluk Surveyor,
Taluk Office,
Melur - 625 106,
Madurai District.

5.The Firka Surveyor,
A.Vellalapatti Firka,,
Taluk Office, Melur - 625 106,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent to consider the representation of the petitioner dated 29.07.2019 to measure the land in S.Nos.259/2, 259/3, 259/4, 259/6, 259/7 and 259/8 of A.Vellalapatti - 625 301, Melur Taluk, Madurai District and mark its boundaries.

For Petitioner : Ms.R.Jenifer Bibin
for Mr.K.Pandiyarajan

For Respondents : Mr.M.Pandiarajan,
Additional Government Pleader.



ORDER

Ms.R.Jenifer Bibin, learned counsel representing Mr.K.Pandiyarajan, learned counsel for writ petitioner and Mr.M.Pandiarajan, learned Additional Government Pleader, who accepts notice on behalf of all five respondents, are before this Court.

2. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

3. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 29.07.2019 wherein writ petitioner has sought survey measurement and fixing of boundaries of land mentioned in the representation, which according to writ petitioner belongs to her having purchased under registered sale deed dated 03.09.1992. Writ petitioner undertakes to pay necessary charges and prescribed fee in this regard, if not already paid. To be noted, said representation has already been forwarded by second respondent (District Surveyor, Madurai) to third respondent (the Tahsildar, Melur Taluk) being jurisdictional Tahsildar to do the needful and this is vide letter dated 31.07.2019 bearing Reference O.M.L.S.No.27/4964/2019.

4. 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 29.07.2019 on its own merits and in accordance with law.

5. Learned State counsel submitted that the third respondent shall consider the aforementioned representation dated 29.07.2019 made by the writ petitioner (page No.9 of the typed set of paper forming part of the case file) within a time frame stipulated by this Court.

6. The aforesaid representation dated 29.07.2019 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 weeks from the date of receipt of a copy of this order.

7. 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.

8. The proceeding / order of disposal shall be communicated by the office of the third respondent to the writ petitioner under due acknowledgement within seven working days from the completion of aforesaid exercise.

9. Instant Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

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A.Vellalapatti Firka,,
Taluk Office, Melur - 625 106,
Madurai District.



+1 CC to M/s.K.PANDIYARAJAN, Advocate (SR-90096[F] dated 27/09/2019

+1 CC to M/s.SPL GP (SR-90568[F] dated 30/09/2019)

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