



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2019

CORAM:

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

W.P(MD)No.21300 of 2019

K.M.Shajakhan

... Petitioner

/vs./

1.The Tahsildar,
Marungapuri Taluk Office,
M.Kallupatti, Trichy District.

2.The Head Surveyor,
Marungapuri Taluk Office,
M.Kallupatti, Trichy District.

3.The Inspector of Police,
Valanadu Police Station,
Trichy District.

4.Chinnammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to measure and identify of the petitioner's property in Survey No.207/15B to an extent of 75 cents situated at Valanadu Village, Marungapuri Taluk, Trichy District based on his representation dated 16.08.2019 and further directed the third respondent to give necessary police protection to measure and identify of his property in Survey No.207/15B to an extent of 75 cents situated at Valanadu Village, Marungapuri Taluk, Trichy District.

For Petitioner : Mr.G.Gomathi Sankar

For R-1 to R-3 : Mr.Aayiram K.Selvakumar

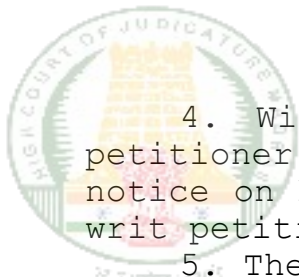
Additional Government Pleader

ORDER

Mr.G.Gomathi Sankar, 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 respondents 1 to 3.

3. To be noted, fourth respondent is private respondent. In the hearing, learned counsel for writ petitioner restricts the prayer to disposal of representation. From the abridged prayer it comes to light that an order, which is not adverse to fourth respondent (private respondent) can be passed, after making sufficient and adequate safe-guards in this regard.



4. With consent of learned counsel on record for the writ petitioner and learned Additional Government Pleader, who accepts notice on behalf of respondents 1 to 3 (official respondents), main writ petition is taken up, heard out and is being disposed of.

5. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 14.08.2019 wherein writ petitioner has requested for measuring, surveying and fixing of boundaries for lands, which according to writ petitioner belongs to him.

6. 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 (as mentioned supra) 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 14.08.2019, details of which have been alluded to supra.

7. Learned State counsel submitted that the second respondent is the authority who shall consider the aforementioned representation dated 14.08.2019 made by the writ petitioner (page No.16 of the typed set of papers forming part of the case file).

8. The aforesaid representation dated 14.08.2019 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.

9. 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 put on notice and 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. It is also made clear with specificity that fourth respondent has to be put on notice and given a reasonable opportunity by the second respondent before taking a decision.

10. Though obvious, it is made clear that petitioner abridging the prayer will not tantamount to writ petitioner giving up the contentions raised in the writ petition. In other words, all contentions raised in the writ petition are left open.

11. The proceeding / order of disposal shall be communicated by the second respondent to the writ petitioner under due



acknowledgement within seven (7) working days from the date of completion of aforesaid exercise.

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

WEB COPY

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

rmk

To

- 1.The Tahsildar,
Marungapuri Taluk Office,
M.Kallupatti, Trichy District.
- 2.The Head Surveyor,
Marungapuri Taluk Office,
M.Kallupatti, Trichy District.
- 3.The Inspector of Police,
Valanadu Police Station,
Trichy District.

+1 CC to M/s.G.GOMATHI SANKAR, Advocate (SR-91299[F] dated 04/10/2019)

+1 CC to M/s.GP (SR-91633[F] dated 09/10/2019)

Order made in
W.P(MD)No.21300 of 2019

Dated:
04.10.2019

=KK/SAR/22.10.2019/3P-6C/