



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.10.2019**

CORAM:

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

W.P (MD)No.21330 of 2019

Karuppaiya

... Petitioner

/Vs./

1.The District Collector,
Collectorate Office Campus,
Dindigul District.

2.The Tahsildar,
Gujiliyambarai Taluk,
Dindigul District.

3.The Town Surveyor,
Gujuliyambarai Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to give appropriate directions to the 2nd and 3rd respondents to consider the petitioner's representation dated 27.11.2017 and 30.09.2019 and consequently survey the petitioner's land to measure and demarcate by fixing the boundary in Town Survey No.1017 to an extent of 4.5 acre, Survey No.1018 to an extent of 84 cents, Survey No.1001 to an extent of 94 cents, Survey No.996 3A to an extent of 24 cents of vacant site situated at Vagudambadi Village, Veda sandhur Taluk, Dindigul District.

For Petitioner : Ms.M.Viveka
For Respondents : Mr.B.Bhagawathi
Government Advocate

ORDER

Ms.M.Viveka, learned counsel on record for writ petitioner is before this Court.

2. Mr.B.Bhagawathi, learned Government Advocate, accepts notice on behalf of all three (3) 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

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is one seeking mandamus qua disposal of writ petitioner's representation dated 30.09.2019 wherein writ petitioner has sought measurement, survey and fixing of boundaries of land which according to writ petitioner belongs to him.

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 third respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 30.09.2019, details of which have been alluded to supra.

6. Learned State counsel submitted that the third respondent is the authority who shall consider the aforementioned representation dated 30.09.2019 made by the writ petitioner (page Nos.8 and 9 of the typed set of papers forming part of the case file).

7. The aforesaid representation dated 30.09.2019 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 (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 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.

9. The proceeding / order of disposal shall be communicated by the office of the third 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

// True Copy //



To
WEB COPY

- 1.The District Collector,
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Dindigul District.
- 2.The Tahsildar,
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Dindigul District.
- 3.The Town Surveyor,
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+1 CC to M/s.GP (SR-91632[F] dated 09/10/2019)

W.P (MD) No.21330 of 2019

04.10.2019

KK/SAR/21.10.2019/3P-5C/