



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.21765 of 2019

WEB COPY

Mahendran

... Petitioner

Vs.

1. The Tahsildar,
Kayathar Taluk,
Tuticorin District.

2. The Head Surveyor,
Kayathar Taluk Office,
Tuticorin 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 to sub divide by survey and fix boundaries of the land in S.No.6/5 with an extent of 26.57 cents situated in Kuruvinatham Village, Kovilpatti Taluk, now in Kayathar Taluk, Tuticorin District and to issue separate patta in the name of petitioner based on the petitioner's application dated 19.03.2018 and reminder representation dated 03.10.2019 within a stipulated time as prescribed by this Court.

For Petitioner : Mr.K.Saravanakumar
For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader

ORDER

Mr.K.Saravanakumar, 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.

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

4. Instant main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 19.03.2018 wherein writ petitioner has sought survey, measurement and fixing of boundaries of land which according to writ petitioner belongs to him. In other words, the plea is to localise the land which according to writ petitioner belongs to him. Writ Petitioner undertakes to pay necessary fee and charges in this regard if not already paid.



5. Notwithstanding several averments/ 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 / prayer in instant writ petition and submits that it will suffice if the first respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 19.03.2018, details of which have been alluded to supra.

6. Learned State counsel submitted that the first respondent is the authority who shall consider the aforementioned representation dated 19.03.2018 made by the writ petitioner (page No.51 of the typed set of papers forming part of the case file).

7. The aforesaid representation dated 19.03.2018 shall be disposed of by the first 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 first respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the first 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.

9. The proceeding / order of disposal of aforementioned representation shall be communicated by the office of the first respondent to the writ petitioner under due acknowledgement within seven (7) working days from the completion of aforesaid exercise, ie., seven days from date of disposal.

10. Instant Writ Petition is disposed of with the above directions. There shall be no order as to costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Tahsildar,
Kayathar Taluk,
Tumkur District.

<https://hcservices.tnsear.org/hcservices>



2. The Head Surveyor,
Kayathar Taluk Office,
Tuticorin District.

+1 CC to SPL GP (SR-92488[F] dated 17/10/2019)

W.P (MD) No.21765 of 2019
16.10.2019

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