



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.10.2019**

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.22165 of 2019

WEB COPY

A.Subramanian

... Petitioner

/vs./

1. The Tashidar,
Madurai East Taluk, Madurai.

2. The Surveyor,
Madurai East Taluk, Madurai District.

3.Pandi ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents No.1 and 2 herein to Survey and demarcate the Petitioner's landed property to an extent of 1 Acre, 10 Cents comprised in Survey No.6/5B, situated at Thatchanenthall Village, Madurai East Taluk, Madurai District after giving opportunity to all the necessary parties concerned on the basis of petitioner's representation/application Application dated 07.05.2019 and for other reliefs.

For Petitioner : Ms.K.Vidya
for Mr.J.Lawrance
For R-1 & R-2 : Mr.K.Mu.Muthu
Additional Government Pleader

ORDER

Ms.K.Vidya, 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 respondents 1 and 2.

3. To be noted, third respondent is a private respondent. In the hearing, learned counsel for writ petitioner restricts the prayer to disposal of representation/application. From the abridged prayer it comes to light that an order, which is not adverse to third 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 and 2 (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/application dated 07.05.2019 wherein writ petitioner has sought measurement, survey and fixing of boundaries of land 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 first respondent is directed to dispose of the aforementioned representation/application of the writ petitioner, dated 07.05.2019, details of which have been alluded to supra.

7. Learned State counsel submitted that the first respondent is the authority who shall consider the aforementioned representation/application dated 07.05.2019 made by the writ petitioner (page No.17 of the typed set of papers forming part of the case file).

8. The aforesaid representation/application dated 07.05.2019 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.

9. It is made clear that in the course of the representation/application 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/application. 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 third respondent has to be put on notice and given a reasonable opportunity by the first 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 first 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.

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Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Tashidar,
Madurai East Taluk, Madurai.
2. The Surveyor,
Madurai East Taluk, Madurai District.

+1 CC to SPL GP (SR-93547[F] dated 22/10/2019)

+1 CC to Mr.J.LAWRANCE, Advocate (SR-93602[F] dated 22/10/2019)

Order made in
W.P(MD)No.22165 of 2019
Dated:21.10.2019

SM

MK (04.11.2019) 3P 5C