



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2019

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P (MD)No.22594 of 2019

J.Athilakshmi

... Petitioner

/Vs./

1.The Assistant Director of Land Survey,
Collectorate, Madurai,
Madurai District-625 020.

2.The Tahsildar,
Melur Taluka Office,
Melur, Madurai District-625 106.

3.The Head Surveyor,
Office of Tahsildar,
Melur, Madurai District.625 106

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondent Nos.1 to 3 to survey and mark the boundaries the petitioner's land with an extent of 24 cents in Survey No.380/8B, 350/11 situated at Keelaiyur Revenue Village, Melur Taluk, Madurai District within a stipulated time fixed by this Court based on the petitioner's representation dated 16.08.2019.

For Petitioner : Mr.R.Karunanidhi

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

ORDER

Mr.R.Karunanidhi, learned counsel on record for writ petitioner is before this Court.

2. Mr.Aayiram K.Selvakumar, learned Additional Government Pleader, on record, has filed notice on behalf of all three respondents.

<https://hcservices.courts.gov.in/hcservices/>



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 is one seeking mandamus qua disposal of writ petitioner's representation dated 19.08.2019 wherein writ petitioner has sought to measure, survey and fix boundaries of a piece of land which according to writ petitioner belongs to her. Writ petitioner undertakes to pay all necessary and prescribed fees/charges in this regard, if not already paid.

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 second respondent is directed to dispose of the representation of the writ petitioner, dated 19.08.2019, details of which have been alluded to supra.

6. Learned State counsel submitted that the second respondent is the authority who shall consider the aforementioned representation dated 19.08.2019 made by the writ petitioner (page Nos.56 and 57 of the typed set of papers forming part of the case file).

7. The aforesaid representation dated 19.08.2019 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.

8. 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 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. The authority concerned shall not embark upon any exercise which is within the domain of civil Court jurisdiction.

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

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// True Copy //

Sd/-

Assistant Registrar (CO)

Sub Assistant Registrar(CS)

rmk

To

1.The Assistant Director of Land Survey,
Collectorate, Madurai,
Madurai District-625 020.

2.The Tahsildar,
Melur Taluka Office,
Melur, Madurai District-625 106.

3.The Head Surveyor,
Office of Tahsildar,
Melur, Madurai District.625 106

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-94732[F] dated
25/10/2019)

Order made in
W.P(MD)No.22594 of 2019
Dated: 25.10.2019

JMN(13.11.2019) 3P : 5C