



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2019

CORAM:

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

W.P(MD)No.22590 of 2019

WEB COPY

M.A.Ganesan

... Petitioner

/Vs./

1.The Tahsildar,
Madurai East,
Narasingam,
Y.Othakadai, Madurai.

2.The Tahsildar,
Madurai North,
Madurai District Collectorate,
Madurai.

3.The Taluk Inspector of Survey (Land Survey)
Tahsildar Office,
Narasingam, Y.Othakadai, Madurai 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 measure the Plot No.74 situated in Survey No.1/1 of Kadhakinaru Village based on the registered sale deed of the petitioner dated 04.08.2015.

For Petitioner : Mr.A.Srinivasan
For Respondents : Mr.B.Bhagawathi
Government Advocate

ORDER

Mr.A.Srinivasan, 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 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 is one seeking mandamus qua disposal of writ petitioner's representation dated 07.08.2019 wherein writ petitioner has sought to have house site which according to writ petitioner belongs to him, to be measured, surveyed and boundaries fixed, in short plea to localise the house site. Writ petitioner undertakes to pay necessary and prescribed fees and 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 first respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 07.08.2019, 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 07.08.2019 made by the writ petitioner (page Nos.18 and 19 of the typed set of papers forming part of the case file).

7. The aforesaid representation dated 07.08.2019 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.

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 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 first 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 (CO)

// True Copy //

Sub Assistant Registrar (CS)



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Narasingam,
Y.Othakadai, Madurai.

2.The Tahsildar,
Madurai North,
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Madurai.

3.The Taluk Inspector of Survey (Land Survey)
Tahsildar Office,
Narasingam, Y.Othakadai, Madurai District.

+1 CC to M/s.V.KARTHIKEYAN, Advocate (SR-94289[F] dated
24/10/2019)

+1 CC to M/s.SPL GP (SR-94670[F] dated 25/10/2019)

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=KK/SAR/13.11.2019/3P-6C/