



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P (MD) No.22622 of 2019

K.Ganesan

... Petitioner

/Vs./

1.The Tahsildar,
Kadaladi Taluk,
Ramanathapuram District.

2.The Head Surveyor,
Kadaladi,
Ramanathapuram 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 1 and 2 to survey the petitioner's land bearing Patta No.357 in Survey No.342/4 admeasuring an extent of 0.07.0 ares, situated at Tirumalgandankottai Revenue Village, Perunali Sub Division, Kadaladi Taluk, Ramanathapuram District by considering the petitioner's representation dated 26.08.2019 within time limit that may be stipulated by this Court.

For Petitioner : Mr.M.Erulappa Raja

For Respondents : Mr.M.Pandiarajan
Additional Government Pleader

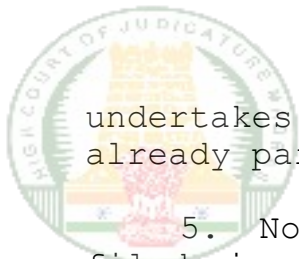
ORDER

Mr.M.Erulappa Raja, learned counsel on record for writ petitioner is before this Court.

2. Mr.M.Pandiarajan, learned Additional Government Pleader, accepts notice on behalf of both 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 26.08.2019 wherein writ petitioner has sought to measure, survey and fix boundaries of a piece of land which according to writ petitioner belongs to him. Writ petitioner



undertakes to pay all necessary and prescribed fees/charges, 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 26.08.2019, 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 26.08.2019 made by the writ petitioner (page Nos.13 to 15 of the typed set of papers forming part of the case file).

7. The aforesaid representation dated 26.08.2019 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 above directions. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Tahsildar,
Kadaladi Taluk,
Ramanathapuram District.

2.The Head Surveyor,
Kadaladi,
Ramanathapuram District.

+1 CC to M/s.M.ERULAPA RAJA, Advocate (SR-94760[F] dated 25/10/2019

+1 CC to M/s.SPL GP (SR-94904[F] dated 30/10/2019)

Order made in
W.P (MD) No.22622 of 2019
Dated: 25.10.2019

rmk

JMN(11.11.2019) 3P : 5C