



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P (MD)No.22694 of 2019

M.Sakunthala

... Petitioner

Vs.

1.Head Surveyor,
Lands Survey, Taluk Office,
Theni, Theni District.

2.The Thasildar,
(Land Acquisition),
Adidravidar Welfare Department,
Theni, Theni 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 survey and fix the boundary of the property in Survey Nos.739/1B2A, 2B, 740/2A in Plot No.191 in Uthamapalayam Taluk, Theni District by considering the application dated 12.01.2019 within a time frame fixed by this Court.

For Petitioner	: Mr.S.C.Herold Singh
For R - 1	: Mr.Aayiram K.Selvakumar, Additional Government Pleader.
For R - 2	: Mr.M.Rajarajan, Government Advocate.

ORDER

Mr.S.C.Herold Singh, 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 first respondent and Mr.M.Rajarajan, learned Government Advocate accepts notice on behalf of second respondent.

3. With consent of learned counsel on aforesaid learned counsel, 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 12.01.2019 wherein writ petitioner has sought measurement, survey / fixing of boundaries of piece of land which according to writ petitioner has been assigned to her predecessor and settled to her. Writ petitioner undertakes to



pay prescribed fee and necessary 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 aforementioned representation of the writ petitioner, dated 12.01.2019, 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 12.01.2019 made by the writ petitioner (page No.18 of the typed set of papers forming part of the case file).

7. The aforesaid representation dated 12.01.2019 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.

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.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)



To **மேலாட்சி**

WEB COPY

1. Head Surveyor,
Lands Survey, Taluk Office,
Theni, Theni District.
2. The Thasildar,
(Land Acquisition),
Adidraavidar Welfare Department,
Theni, Theni District.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-94821[F] dated 30/10/2019)

+1 CC to M/s.SPL GP (SR-94883,94878[F] dated 30/10/2019)

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KM/(08.11.2019) 3P 5C