



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P (MD) No.23088 of 2019

WEB COPY

Sajitha Muhammed

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Tahsildar,
Vilavamcode Taluk,
Kanyakumari.

3.The Inspector of Land Survey,
Vilavamcode Taluk,
Kanyakumari.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the second and third respondents to survey and demarcate the boundaries in respect of the petitioner's land measuring 7.5 cents in Survey Nos.238/3, 238/4, 238/5 in Kaliyakavilayam Village, Vilavagodhu Taluk, Kanyakumari District.

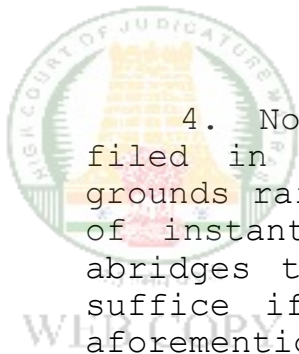
For Petitioner : Mr.A.Joseph Jerry
For Respondents : Mr.Aayiram K.Selvakumar,
Additional Government Pleader.

ORDER

Mr.A.Joseph Jerry, learned counsel on record for writ petitioner and Mr.Aayiram K.Selvakumar, learned Additional Government Pleader on behalf of all three respondents are before this Court.

2. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

3. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 16.08.2019 wherein writ petitioner has sought measurement, survey / fixing of boundaries or in other words localize the land which according to writ petitioner belongs to her.



4. 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 16.08.2019, details of which have been alluded to supra.

5. Learned State counsel submitted that the second respondent is the authority who shall consider the aforementioned representation dated 16.08.2019 made by the writ petitioner (page No.31 of the typed set of papers forming part of the case file).

6. The aforesaid representation dated 16.08.2019 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.

7. 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.

8. The proceeding / order of disposal shall be communicated by the office of the second respondent to the writ petitioner and others concerned (if any) under due acknowledgement within seven (7) working days from the completion of aforesaid exercise.

9. Instant Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Tahsildar,
Vilavamcode Taluk,
Kanyakumari.

3.The Inspector of Land Survey,
Vilavamcode Taluk,
Kanyakumari.

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 96672

W.P (MD) No.23088 of 2019
06.11.2019

PK (CO)
TR (18.11.2019) 3P 5C