



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.22955 of 2019

P.Aathimulam

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Veerakeralam Pudur,
Tirunelveli District.

3.The Taluk Surveyor,
V.K.Pudur Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the second respondent to permit the petitioner to pay cost for survey the land and to issue separate patta in the name of the petitioner for lands in S.No.371/5, situated in Village, Keelakkalankal, Uthumalai, Veerakeralam Pudur, Tirunelveli District and to direct the third respondent to survey the lands after paying the requisite fees on the basis of the petitioner's representation dated 30.09.2019.

For Petitioner : Mr.M.Sankar

For Respondents : Mr.B.Bhagawathi,
Government Advocate.

ORDER

Mr.M.Sankar, learned counsel on record for writ petitioner and Mr.B.Bhagawathi, learned Government Advocate, who accepts notice 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 30.09.2019 wherein writ petitioner has sought measurement, survey / fixing of boundaries or in other words localize the land which according to writ petitioner belongs to him and writ petitioner has also sought separate patta. Writ petitioner undertakes to pay prescribed fee and necessary charges in this regard, if not already paid.

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 30.09.2019, 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 30.09.2019 made by the writ petitioner (page Nos.13 & 14 of the typed set of papers forming part of the case file).

6. The aforesaid representation dated 30.09.2019 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 (P&A)

WEB COPY

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Veerakeralam Pudur,
Tirunelveli District.

3.The Taluk Surveyor,
V.K.Pudur Taluk,
Tirunelveli District.

+1 CC to M/s.M.SANKAR, Advocate (SR-95058[F] dated 31/10/2019)

W.P (MD) No.22955 of 2019
31.10.2019

JMN(12.11.2019) 3P : 5C