



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.24068 of 2019

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A.Suresh

... Petitioner

Vs.

1.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

2.The Surveyor,
Taluk Office, Sivakasi,
Virudhunagar 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 herein to sub-divide the property of house Plot No.283 in Survey No.868/1B3 of Pudukottai Village, Sivakasi Taluk, Virudhunagar District.

For Petitioner : Ms.M.Padmavathy

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

ORDER

Ms.M.Padmavathy, learned counsel on record for writ petitioner and Mr.B.Bhagawathi, learned Government Advocate, who accepts notice on behalf of both 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 patta based on a 'வீட்டுமனை ஒப்படைப்பு'.

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 first 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 first respondent is the authority who shall consider the aforementioned representation dated 16.08.2019 made by the writ petitioner (page Nos.16 & 17 of the typed set of papers forming part of the case file).

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6. The aforesaid representation dated 16.08.2019 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.

7. 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.

8. The proceeding / order of disposal shall be communicated by the office of the first 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 ()

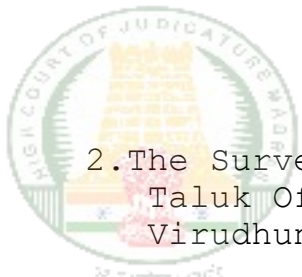
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Sub Assistant Registrar(CS)

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To

1.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.



2.The Surveyor,
Taluk Office, Sivakasi,
Virudhunagar District.

+1 CC to M/s.M.PADMAVATHY, Advocate (SR-98267[F] dated 14/11/2019)

+1 CC to SPL GP (SR-98839[F] dated 15/11/2019)

W.P (MD) No.24068 of 2019

14.11.2019

VB(25.11.2019) 3P 5C