



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.11.2019**

CORAM:

THE HONOURABLE **MR.JUSTICE M.SUNDAR**

W.P(MD)No.23434 of 2019

C.Seenivasagam

... Petitioner

Vs.

1.The Tahsildar,
Office of the Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.

2.The Head Surveyor,
Office of the Head Surveyor,
Rajapalayam Taluk,
Virudhunagar District.

3.The Firka Surveyor,
Ilanthiraikondan Village revenue group,
Rajapalayam Taluk,
Virudhunagar District.

4.The Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.

5.C.Pandian

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to survey the land comprised in Survey No.409/1, 409/2, 409/3 situating at Ilanthiraikondan Village, in Rajapalayam Taluk, Virudhunagar District and to fix the four-boundaries of the same within the stipulated time as fixed by this Court.

For Petitioner : Mr.S.Malaikani

For Respondents : Mr.K.MU.Muthu
Additional Government Pleader
for R.1 to R.4



ORDER

Mr.S.Malaikani, learned Counsel on record for writ petitioner is before this Court.

2. Mr.K.MU.Muthu, learned Additional Government Pleader, accepts notice on behalf of respondents 1 to 4 (official respondents).

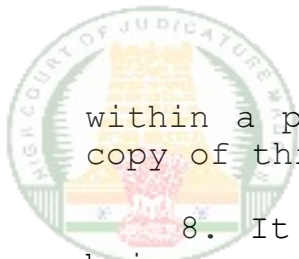
3.To be noted, fifth respondent is a private respondent. In the hearing, learned counsel for writ petitioner restricts his prayer to a plea of direction for disposal of representation within a time frame. From the abridged prayer it comes to light that an order, which is not adverse to the rights of fifth respondent (private respondent) can be passed, after making sufficient and adequate safeguards in this regard which shall be set out *infra* elsewhere in this order. Therefore, with the consent of learned counsel on record for the writ petitioner and learned Additional Government Pleader who accepts notice on behalf of respondents 1 to 4 (official respondents), main writ petition is taken up, heard out and is being disposed of.

4.The main writ petition now turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 31.07.2019 (to be noted, it is not bear a date, but a challan showing the remittance of Rs.240/- towards measurement charges is annexed and it is submitted that the representation was given to first respondent on 31.07.2019), wherein writ petitioner has sought measurement, survey and fixing of boundaries for land which according to writ petitioner belongs to him.

5. Notwithstanding several averments/ grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner abridges the scope of instant writ petition / prayer in instant 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 31.07.2019, details of which have been alluded to supra.

6.Learned State Counsel submitted that the first respondent is the authority who is competent to consider the aforementioned representation dated 31.07.2019 made by the writ petitioner (page Nos.1 and 2 of the typed set of papers forming part of the case file).

7.The aforesaid representation dated 31.07.2019 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 put on notice and give reasonable opportunity to such third party / parties or third party entity / entities, before disposing of the aforementioned writ petitioner's representation. It is also made clear with specificity that fifth respondent has to be put on notice and given a reasonable opportunity by the first respondent before taking a decision. To be noted, this is the safeguard qua rights of fifth respondent alluded to supra. The authority concerned shall not embark upon any exercise which is within the domain of civil Court jurisdiction.

9. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter. Though obvious, it is also made clear that petitioner abridging the scope of instant writ petition and prayer will not tantamount to writ petitioner giving up the contentions raised in the writ petition. In other words, all contentions raised in the writ petition are left open.

10. The proceedings / order of disposal of aforementioned representation shall be communicated by the office of the first respondent to the writ petitioner, fifth respondent and others concerned (if any) under due acknowledgement within seven (7) working days from the date of proceedings / order ie., seven working days from date of disposal.

11. Instant Writ Petition is disposed of with the above directions. There shall be no order as to costs.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar (CS)

SSL

To

1. The Tahsildar,
Office of the Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.



2.The Head Surveyor,
Office of the Head Surveyor,
Rajapalayam Taluk,
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3.The Firka Surveyor,
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Virudhunagar District.

4.The Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.

+1 CC to M/s.S.MALAIKANI, Advocate SR-96390.
+1 CC to SPL GP SR-96684.

W.P (MD) No.23434 of 2019
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