



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.11.2019**

CORAM:

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

W.P (MD)No.23780 of 2019

S.Ganesan

... Petitioner

/Vs./

1.The District Collector,
Pudukkottai,
Pudukkottai District.

2.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.

3.The Taluk Head Surveyor,
Thirumayam Taluk,
Pudukkottai 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 2 and 3 to survey the petitioner's land and fix boundary stones in respect of Survey No.446/12, 446/3, 446/25 situated at K.Rayapuram Village, Thirumayam Taluk, Pudukkottai District on the basis of the petitioner's application dated 27.12.2018.

For Petitioner : Mr.G.Mathavan
For Respondents : Mr.B.Bhagawathi
Government Advocate

ORDER

Mr.G.Mathavan, learned counsel on record for writ petitioner is before this Court.

2. Mr.B.Bhagawathi, learned Government Advocate, accepts notice on behalf of all three (3) respondents.

3. With consent of learned counsel on both sides, 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 27.12.2018 wherein writ petitioner has made a plea for measuring, surveying and fixing of boundaries of property which according to writ petitioner belongs to him, in other words it is a plea to localise property which according to writ petitioner belongs to him. Writ petitioner undertakes to pay all necessary and prescribed fee and 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 27.12.2018, 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 27.12.2018 made by the writ petitioner (page No.16 of the typed set of papers forming part of the case file).

7. The aforesaid representation dated 27.12.2018 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. The authority concerned shall not embark upon any exercise which is within the domain of civil Court jurisdiction. 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 and others concerned if any 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-II)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The District Collector,
Pudukkottai,
Pudukkottai District.

2.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.

3.The Taluk Head Surveyor,
Thirumayam Taluk,
Pudukkottai District.

+1 CC to Mr.G. MATHAVAN, Advocate (SR-97522[F] dated 12/11/2019)

+1 CC to SPL GP (SR-98077[F] dated 13/11/2019)

Order made in
W.P (MD) No.23780 of 2019
12.11.2019

VB(26.11.2019) 3P 6C