



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.23747 of 2019

WEB COPY

K.Nagarajan

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
At Nagercoil.

2.The Tahsildar,
Killiyoor Taluk,
Kanyakumari District.

3.The Taluk Surveyor,
Killiyur Taluk Office,
Kanyakumari 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 to measure and sub-divide the property in Re-survey No.295/4A5B in Ezhudesam C Village, Killiyur Taluk, Kanyakumari District to an extent of 90 cents (3643.2 sq meter) and issue separate patta in the name of the petitioner based on the petitioner's application with fee challan dated 25.10.2019 within the stipulated period by this Court.

For Petitioner : Mr.G.Radhakrishnan
for Mr.Ananth C.Rajesh
For Respondents : Mr.M.Pandiarajan
Additional Government Pleader.

ORDER

Mr.G.Radhakrishnan, learned counsel on record for writ petitioner and Mr.M.Pandiarajan, 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 25.10.2019 wherein writ petitioner has sought measurement, survey and fixing of boundaries of land or in other words localize the land which according to writ petitioner belongs



to him. 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 25.10.2019, 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 25.10.2019 made by the writ petitioner (page No.19 of the typed set of papers forming part of the case file).

6. The aforesaid representation dated 25.10.2019 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 twelve (12) 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

// True Copy //

Sub Assistant Registrar(CS)



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Kanyakumari District,
At Nagercoil.

2.The Tahsildar,
Killiyoor Taluk,
Kanyakumari District.

3.The Taluk Surveyor,
Killiyur Taluk Office,
Kanyakumari District.

+1 CC to Mr.ANANTH C.RAJESH, Advocate (SR-97353[F] dated
11/11/2019)

+1 CC to MSPL GP (SR-98078[F] dated 13/11/2019)

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11.11.2019

MK (25.11.2019) 3P 6C