



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.25270 of 2019

WEB COPY

S.Saroja

... Petitioner

Vs.

1.The Tahsildar,
Office of the Tahsildar,
Theni Taluk,
Theni District.

2.The Firka Surveyor,
Koduvilarpatti,
Theni Taluk,
Theni 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 survey the petitioner's properties in Survey No.494/33A with an extent of 16.92 cents situated at Jangalpatti Village, Theni Taluk, Theni District to point out four boundary line based on his application dated 05.11.2019 within the period stipulated by this Court.

For Petitioner : Mr.M.Suresh

For Respondents : Mr.M.Pandiarajan,
Additional Government Pleader.

ORDER

Mr.M.Suresh, learned counsel on record for writ petitioner and Mr.M.Pandiarajan, learned Additional Government Pleader, 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 petition dated 05.11.2019 wherein writ petitioner has sought measurement, survey and fixing of boundaries of land which according to writ petitioner belongs to her.

<https://hcservices.courts.gov.in/> standing 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 petition of the writ petitioner, dated 05.11.2019, 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 petition dated 05.11.2019 made by the writ petitioner (page No.11 of the typed set of papers forming part of the case file).

6. The aforesaid petition dated 05.11.2019 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 petition 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 petition. 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 ie., first respondent 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 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 (CS-I)

// True Copy //

Sub Assistant Registrar (CS)



To

1.The Tahsildar,
Office of the Tahsildar,
Theni Taluk,
Theni District.

2.The Firka Surveyor,
Koduvilarpatti,
Theni Taluk,
Theni District.

+1 CC to M/s.K. MANIKANDAN, Advocate (SR-102570[F] dated
29/11/2019)

+1 CC to M/s.SPL GP (SR-102791[F] dated 29/11/2019)

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28.11.2019

KM/(09.12.2019) 3P 5C