



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.11.2019

CORAM:

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

W.P(MD)No.25481 of 2019

WEB COPY

Mariya

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Veerakeralam Pudur Taluk,
Tirunelveli District.

3.The Taluk Surveyor,
V.K.Pudur Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to permit the petitioner to pay the cost for survey the land in S.No.394/1B situated in Village Uthumalai, Tirunelveli District and to direct the third respondent to survey the lands after the payment of the requisite fees, on the basis of the petitioner's representation dated 15.11.2019.

For Petitioner : Mr.M.Sankar

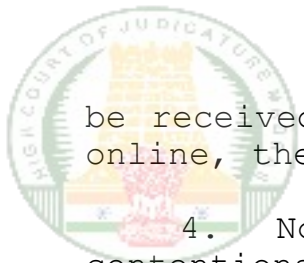
For Respondents : Mr.K.MU.Muthu
Additional Government Pleader

ORDER

Mr.M.Sankar learned Counsel on record for writ petitioner and Mr.K.MU.Muthu learned Additional Government Pleader, who accepts notice 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. Instant main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 15.11.2019 wherein writ petitioner has made a plea to measure, survey and fix boundaries of land which according to writ petitioner belongs to her. Writ Petitioner undertakes to pay the prescribed fee and charges in this regard and the same shall



be received if tendered. If there is an option to tender the same online, the writ petitioner shall do so.

4. 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 second respondent is directed to dispose of the aforementioned representation of the writ petitioner dated 15.11.2019, 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 15.11.2019 made by the writ petitioner (page No.10 of the typed set of papers forming part of the case file).

6. The aforesaid representation dated 15.11.2019 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 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 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 put on notice and 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 ie., the second respondent shall not embark upon any exercise which is within the domain of civil Court jurisdiction.

8. The proceeding / order of disposal of aforementioned representation 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 date of completion of aforesaid exercise, ie., seven days from date of disposal.

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

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Veerakeralam Pudur Taluk,
Tirunelveli District.

3.The Taluk Surveyor,
V.K.Pudur Taluk,
Tirunelveli District.

+1 CC to M/s.M. SANKAR, Advocate (SR-102490[F] dated 29/11/2019)

+1 CC to M/s.GP (SR-103008[F] dated 02/12/2019)

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29.11.2019

JMN(16.12.2019) 3P : 6C