

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A.No.655 of 2015

M. Sivarajan

... Appellant

Vs.

1. The District Collector
Salem District
2. The Sub-Collector
Mettur Dam
3. The Tahsildar
(Settlement Tahsildar Natham)
Taluk Office
Mettur Dam

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 30-01-2015 in W.P.No.33929 of 2014 filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 2nd respondent to consider petitioner's representations dated 26.09.2014 and 08.11.2014 for an appropriate order of subdivision and grant of separate patta in the natham lands in S.No.115/9 of Soorapalli village, Mettur Taluk, within the time frame to be stipulated by this Court.

For appellant : Mr. V. Sekar

For respondent : Mr. P.S. Shivashanmuga Sundaram,
Spl.G.P.

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JUDGMENT

(Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

Heard Mr. V. Sekar, learned counsel appearing for the appellant and Mr. P.S. Shivashanmugasundaram, learned Special Government Pleader appearing for the respondents.

2. The appellant seems to be aggrieved by the order dated 30-01-2015 rendered in W.P.No.33929 of 2014 only to the extent of observation that the land in question is a Government property and also by dismissal of the writ petition.

3. According to the learned counsel appearing for the appellant, if the petition is dismissed and certain observation is made in respect of the nature of the land, the Government/respondents shall not consider the representation on merit, without being influenced by the aforesaid observation.

4. The learned Special Government Pleader appearing for the respondents submits that the pending representation shall be considered without being influenced by any observation and also the question in respect of the nature of the land shall also be considered on the merits of the case.

5. In view of that, we dispose of the appeal observing that the second respondent shall consider the appellant's representation independently, uninfluenced by any observation made in the impugned order dated in accordance with law and on its own merits, within a period of six weeks, from the date of receipt of a copy of this order.

6. The writ appeal is disposed of, accordingly. No costs.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

glp

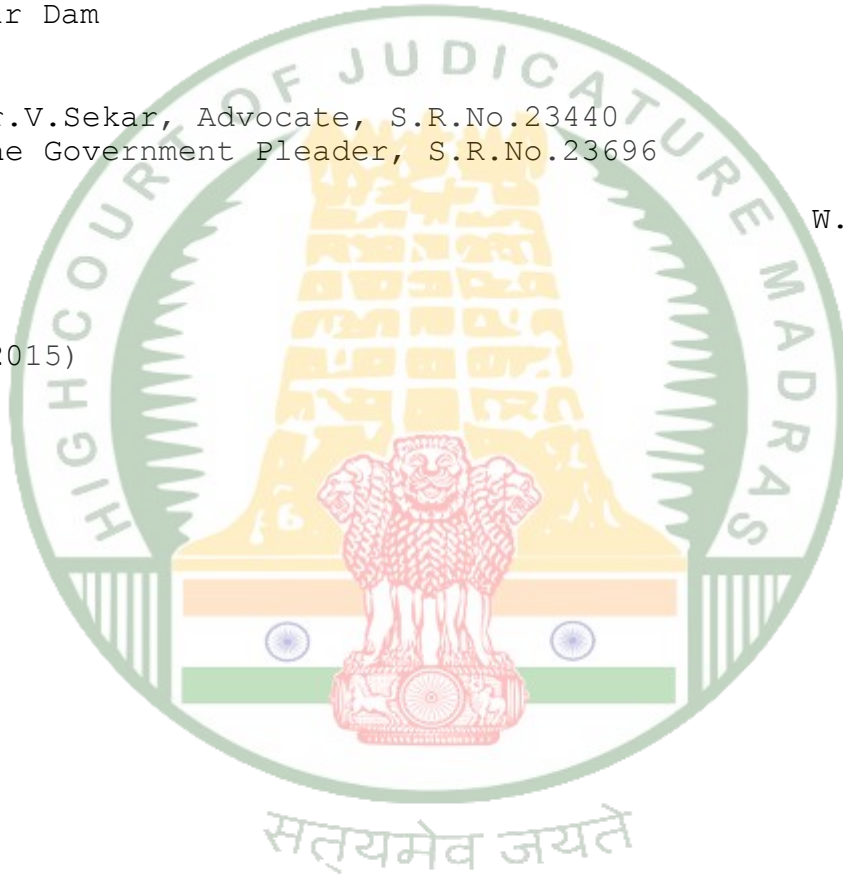
To

1. The District Collector
Salem District
2. The Sub-Collector
Mettur Dam
3. The Tahsildar
(Settlement Tahsildar Natham)
Taluk Office
Mettur Dam

+1cc to Mr.V.Sekar, Advocate, S.R.No.23440
+1cc to the Government Pleader, S.R.No.23696

W.A.No.655 of 2015

SSI(CO)
CA(18/05/2015)



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