



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2015

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRA BAABU

W.P.(MD)No.913 of 2015

and

M.P.(MD) .No.1 of 2015

Gunaseelan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Periyakulam Revenue Division,
Periyakulam, Theni District.

2.The Tahsildar,
Andipatti Taluk,
Theni District.

3.S.Rathinam

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first respondent to reject the petition filed by the third respondent taken in NA.KA.No.737/2013/A1 dated 26.03.2014 on the file of the first respondent based on the petitioner's representation dated 06.10.2014 made to the first respondent.

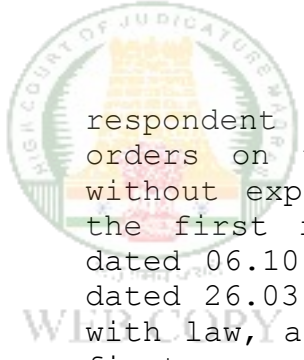
For Petitioner : Mr.C.Prabakaran
For R1 and R2 : MrM.Murugan
Government Advocate
For R3 : Mr.N.Mariappan

O R D E R

This writ petition is filed seeking for a mandamus directing the first respondent to reject the petition filed by the third respondent dated 26.03.2014, based on the petitioner's representation dated 06.10.2014.

2.It is seen that the third respondent has approached the first respondent and sought for grant of joint patta. It is also seen that in an earlier round of litigation in W.P.(MD).No.6749 of 2014 dated 18.07.2014 filed before this Court, this Court has directed the revenue officials to consider the matter afresh, after hearing both parties. When that being the position, the petitioner cannot seek for a mandamus as sought for in this writ petition.

3.On the other hand, he should go and appear before the first respondent and make his objection as against the claim made by the third respondent for grant of joint patta. Needless to say that the first



respondent will have to consider the claims of the parties and pass orders on the same on merits and in accordance with law. Therefore, without expressing any view on the merits of the matter, I only direct the first respondent to consider the representation of the petitioner dated 06.10.2014 along with the application made by the third respondent dated 26.03.2014 and pass orders on the same on merits and in accordance with law, after hearing both parties. Such exercise shall be done by the first respondent within a period of twelve weeks from the date of receipt of a copy of this order.

4.The writ petition is disposed of, with the above direction. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1.The Revenue Divisional Officer,
Periyakulam Revenue Division,
Periyakulam, Theni District.

2.The Tahsildar,
Andipatti Taluk,
Theni District.

+1 CC to Mr.C.Prabakaran, Advocate, SR No.71181
+1 CC to Mr.N.Mariappan, Advocate, SR No.70871
+1 CC to the Special Government Pleader SR No.71092

W.P. (MD) No.913 of 2015
10.12.2015

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SH/PM-MP:21.12.2015:2P/6C