

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.10843 of 2016

P.S.Girishankar

... Petitioner

vs.

1. The CLA,
Ezhilagam,
Chennai.
2. The Collector,
Collectorate,
Collector Office,
Namakkal District.
3. The District Revenue Officer,
Collector Office,
Namakkal District.
4. The RDO,
RDO Office,
Tiruchengode,
Namakkal District.
5. The Tahsildar,
Tahsildar Office,
Paramathi Velur,
Namakkal District.

सत्यमेव जयते

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 27.11.2015 and pass suitable orders within the time frame as may be stipulated by this Court.

For Petitioner : Mr.R.U.Deepan

For Respondents : Mr.M.Dig Vijaya Pandian,
Addl. Govt. Pleader.

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider his representation dated 27.11.2015 and pass suitable orders within the time frame as may be stipulated by this Court.

3. It is the case of the petitioner that he is an Advocate and is practicing in Namakkal District. He got enrolled on 27.4.2005 and is practicing in Civil as well as Criminal side. He is an Ex-Service man. The Director General of Resettlement, Department of Ex-Servicemen had given a concession and benefit to the Ex-servicemen by reserving 10% in allotment of plots / industrial sheds. The Land Tenancy Act has also been amended for resumption of land. Hence, he sent a representation dated 27.11.2015 to the respondents seeking allotment of agricultural land or plot in Manianur Village S.No.64 for 79 cents. Though the said representation was duly received by the respondents, till date, they have not considered the same. Hence, left with no other alternative, the petitioner has come up with the present writ petition seeking a direction to the respondents to consider his representation dated 27.11.2015 and pass suitable orders within the time frame as may be stipulated by this Court.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim made by the petitioner, this Court directs the first respondent to consider the representation of the petitioner dated 25.11.2015 and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VII)

Dt:11.4.2016

This matter having been listed under the caption for "Being Mentioned" on 25.4.2016 pursuant to the order of this Court dated 23.3.2016 and made herein in the presence of the aforesaid counsels on the either side, the court made the following order:

2. It is submitted by the learned counsel for the petitioner, that in paragraph No.2 of the order dated 23.03.2016, by which the above writ petition was disposed of, it has been stated thus:

".....Hence, he sent a representation dated 27.11.2015 to the respondents seeking allotment of agricultural land or plot in Manianur Village S.No. 64 for 79 cents....."

However, according to the learned counsel for the petitioner, the actual extent is 79 ares and not 79 cents, as stated in paragraph No. 2 of the order dated 23.03.2016 and by mistake, the extent was wrongly mentioned in the affidavit filed in support of the writ petition. In this regard, the learned counsel has also filed a better affidavit stating the above facts and requests that necessary correction, with regard to the extent of the land, may be incorporated in the order.

3. However, the said request is strongly objected to by the learned Additional Government Pleader.

4. The operative portion of the order passed by this Court in the above writ petition, is as follows:

"Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim made by the petitioner, this Court directs the first respondent to consider the representation of the petitioner dated 27.11.2015 and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order...."

5. Whatever has been stated in paragraph No.2 of the order dated 23.03.2016 is only based on the affidavit filed in support of the writ petition and this Court, without going into the merits of the claim of the petitioner, has only given a direction to the authority concerned to dispose of the pending representation of the petitioner. Therefore, there is no question of entertaining the better affidavit filed by the petitioner, at this stage and there is no need for incorporating any correction in the order dated 23.03.2016 passed in the above writ petition.

-s/d-

Assistant Registrar (CS-IV)

Dt: 20.5.2016

True Copy

Sub-Assistant Registrar

To

1.The CLA,
Ezhilagam,
Chennai.

2.The Collector,
Collectorate,
Collector Office,
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5.The Tahsildar,
Tahsildar Office,
Paramathi Velur,
Namakkal District.

+1cc to Mr.R.U.Deepan, Advocate, S.R.No.25822

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prk23/5

W.P.No.10843 of 2016



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