

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.07.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.24466 of 2016
and W.M.P.No.20911 of 2016

P.T.Sasikumar

... Petitioner

Vs.

1.The Tahsildar,
Erode District, Erode.

2.The Corporation of Erode,
represented by its Commissioner,
Brough Road, Erode - 638 004.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of certiorari calling for the records of the 1st respondent in Na.Ka.4615/2016/A2 dated 08.07.2016 and quash the same.

For Petitioner : Mr.K.Doraisamy, Senior Counsel
for M/s.Muthumani Doraisami

For Respondents : Mr.R.Govindasamy,
Special Government Pleader.

O R D E R

The facts leading to the filing of this writ petition have been narrated in detail and in extenso in the final order dated 27.11.2015 made in W.P.No.23033 of 2012, in which the present first respondent viz., the Deputy Tahsildar, Erode was arrayed as the third respondent. This Court, in the above cited order, had disposed of the writ petition, permitting the petitioners to submit an application to the concerned Tahsildar-third respondent enclosing all the records and setting out the facts and such application is made before the concerned Tahsildar-third respondent, shall issue notice to the petitioners as well as to the respondents 1 and 2 and after affording an opportunity of personal hearing, pass a reasoned order on merits within a period of three weeks. It is pertinent to point out at this juncture that the first respondent in the impugned order though referred to the order passed in W.P.No.23033 of 2012, did not

deal with any factual aspects and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

2. The learned Senior Counsel appearing for the petitioner would submit that the petitioner, in the light of the above cited order, may be permitted to submit a detail representation enclosing all necessary documents to the first respondent, who may be directed to pass orders on merits and in accordance with law within a stipulated time frame and prays for appropriate orders.

3. This Court heard the submission of Mr.R.Govindasamy, the learned Special Government Pleader, who accepts notice on behalf of the respondents.

4. Though the petitioner prayed for the larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit a detail representation setting out the facts and details and also enclosing relevant and necessary documents to the first respondent, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the same on merits and in accordance with law and also in the light of the earlier order dated 27.11.2015 made in W.P.No.23033 of 2012, and pass orders within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner and till then, shall defer all further proceedings in terms of the impugned notice dated 08.07.2016 in Na.Ka.4615/2016/A2.

The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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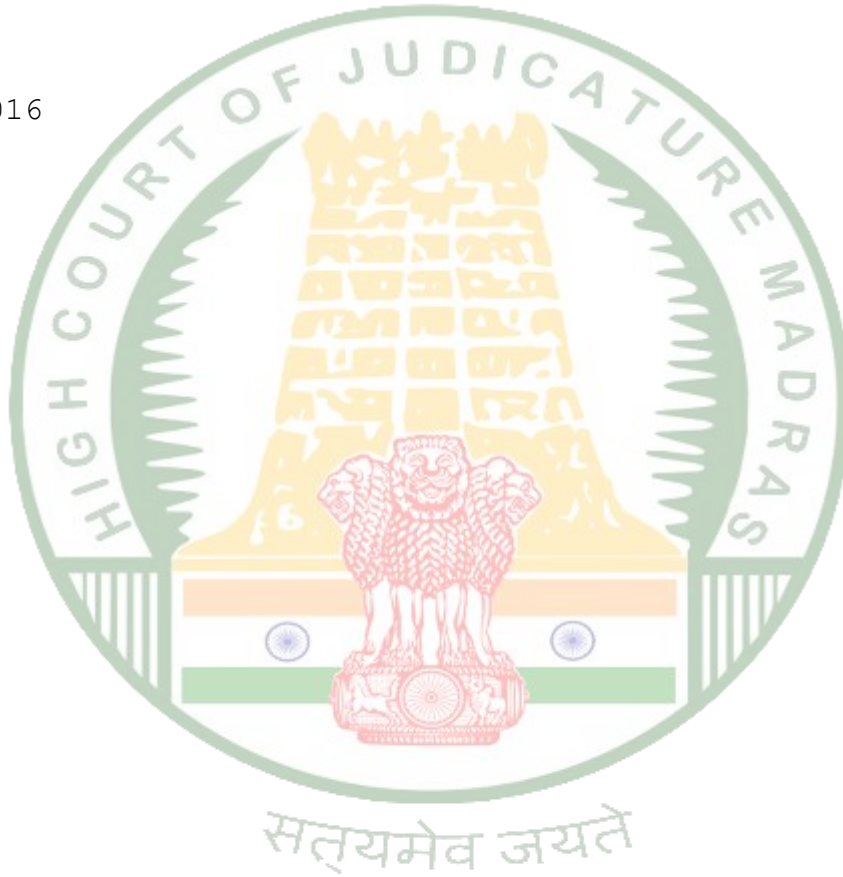
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+1 cc to the Government Pleader sr.39685
+1 cc to M/s.Muthumani Doraisami Advocate sr.39504

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