



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.21105 of 2017

V.Ramanathan : Petitioner

.vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Sub-Collector,
Ramanathapuram District,
Ramanathapuram.

3.The Tahsildar,
Kadaladi Taluk Office,
Ramanathapuram District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Mandamus directing the respondents to consider the representation of the Petitioner dated 23.10.2017 and to direct the Third Respondent to pass orders by perusing all the documents submitted by Petitioner's side.

For Petitioner : M/s.R.Babu Jaganath

For Respondents : Mr.T.R.Janarthanan
Additional Govt.Pleader

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the respondents to consider the representation of the Petitioner, dated 23.10.2017 and to direct the Third Respondent to pass orders by perusing all the documents submitted by the Petitioner.



2. Heard both sides. No counter is filed on behalf of the respondents.

3. By consent, the main Writ Petition itself is taken up for final disposal at the admission stage itself.

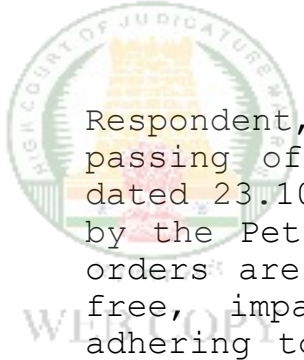
WEB COPY

4. The grievance of the Petitioner is that his representation addressed to the Respondents 1 to 3 in regard to his version of the factual aspects of the subject-matter in issue has not seen the light of the day and there is no progression in this regard.

5. It comes to be known that the Petitioner had issued a Lawyer's Notice, dated 30.09.2017 addressed to the Respondents 1 to 3, whereby and where-under, he had, among other things, mentioned that as per the order passed by this Court in W.P(MD)No.841 of 2013, the documents are to be considered and added further, the documents which are in possession of himself and his brothers are to be looked into and that apart, the judgement obtained by his grandfather C.Veluchamy from the Civil Court in O.S.No.239 of 1943(vide decree, dated 19.9.1944) also to be looked into and to take such action, as they deem it fit and proper.

6. It transpires that the Tahsildar, Kadaladi Taluk Office, Ramanathapuram District had addressed a memorandum to the Writ Petitioner and two others on 19.09.2017 requiring him to remove the encroachment made in the pathway in Sayalkudi Group Natham Survey No.489/8 and 15 days time was granted to him in this regard. He was also further informed that, in case, the encroachments are not removed by the Writ Petitioner, action would be taken as per the order passed by this Court. Obviously, the Petitioner has not assailed the memo, dated 19.09.2017 issued by the Third Respondent/Tahsildar, Kadaladi Taluk, Ramanathapuram District.

7. Be that as it may, in view of the fact that the Petitioner's representation, dated 23.10.2017 in the subject-matter in issue is pending on the file of the Third Respondent and also this Court taking note of the fact that the Petitioner had caused a Lawyer's Notice, dated 30.09.2017 addressed to the Respondents 1 to 3 and this Court taking note of the submission made on behalf of the Respondents 1 to 3 and that the representation of the Petitioner, dated 23.10.2017 and Lawyer's Notice, dated 30.09.2017 issued on behalf of the Petitioner are under consideration of the Respondents/authorities, at this stage, this Court, without expressing any opinion on the merits and demerits on the contents of the representation of the Petitioner and also not dwelling deep into the subject-matter in issue, at this stage, simpliciter, directs the Third Respondent to look into the representation of the Petitioner, dated 23.10.2017 and if he found any substance, he has to look into the same with all seriousness and earnestness and to pass a reasoned speaking order on merits within a period of four weeks from the date of receipt of copy of this order. It is open to the Petitioner to raise all factual and legal pleas before the Third



Respondent, who shall take into account of the same at the time of passing of orders based on the representation of the Petitioner, dated 23.10.2017, is to meet out each and every fact/averment made by the Petitioner in the said representation and in any event, the orders are to be passed by the Third Respondent in a just, fair, free, impartial, unbiased and dispassionate manner, of course, adhering to the Principles of Natural Justice, in the manner known to Law and in accordance with Law. If any documents in possession of the Petitioner to support his claim, the same may also be looked into and taken note of and adverted to, at the time of passing final orders in the subject-matter in issue.

8. With the above said observation(s) and direction(s), the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Sub-Collector,
Ramanathapuram District,
Ramanathapuram.

3. The Tahsildar,
Kadaladi Taluk Office,
Ramanathapuram District.

+One cc to The Special Government Pleader, SR.No.87945

+One cc to Mr.R.Babu Jaganath, Advocate, SR.No.87677

vsn
RL/6C/3P/SV/MMS/SAR1/28/11/2017

ORDER MADE IN
W.P. (MD) No.21105 Of 2017