

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.1228 of 2016 and
CMP No.15820 of 2016

Arulmigu Sagayamary Madha Koil
Panruti Village, Sriperumbudur.Appellant/3rd Respondent

Vs

1.M.Elias ... Respondent/Petitioner

2.The Revenue Divisional Officer,
Sriperumbudur.

3.The Tahsildar,
Sriperumbudur.Respondents/Respondents

Prayer:- Writ Appeal filed under Clause 15 of Letters Patent Act
against the order passed by this Court in W.P.No.28665 of 2016
dated 17.08.2016.

Prayer in WP.28665 OF 2016 :

Petition filed under Article 226 of the Constitution of
India to issue a Writ of Mandamus to direct the first
respondent by way of a writ of Mandamus to dispose of the
application for name change of patta dated 3.5.2013 in
favour of the petitioner as recommended by the second
respondent with respect to the part and parcel of the
property measuring about 0.80 Acres in S.No.274, No.212,
Panrutti Village in Walajabad Sub Registration District.

For Appellant : Ms.Selvi George

For Respondents: Mr.J.R.K.Bhaanantham for R1
Mr.V.Anandhamoorthy
Addl.Govt.Pleader for R2 and R3

J U D G M E N T

(Judgment of the Court was delivered by
R.SUBRAMANIAN, J.)

Aggrieved by the Mandamus issued by the Writ Court directing the second respondent to take note of the communication of the third respondent dated 28.08.2014 while disposing of the application of the first respondent dated 03.05.2013, under which, he complained of illegal transfer of patta in the name of non-existing Church, the appellant has come forward with this appeal.

2. Though the prayer in the writ petition was for a larger relief, the learned single Judge thought it fit to issue a Mandamus directing the second respondent to dispose of the application made by the first respondent on 03.05.2013. While doing so, the learned single Judge has observed that the second respondent should take note of the communication/report of the third respondent dated 28.08.2014.

3. We have heard Ms.Selvi George, learned counsel for the appellant, Mr.J.R.K.Bhavanantham, learned counsel for the first respondent and the learned Additional Government Pleader for the respondents 2 and 3.

4. The learned counsel for the appellant would contend that the direction given to the second respondent to take note of the communication/ report of the third respondent dated 28.08.2014 may be read as a direction to pass orders in consonance with the said recommendation by the second respondent and hence, the appellant is aggrieved.

5. The learned single Judge has only directed the second respondent to take note of the communication/report of the third respondent dated 28.08.2014 while considering the application of the first respondent dated 03.05.2013. We make it clear that while considering the application, the second respondent shall independently consider all the materials that may be placed before him by the respective parties and decide the matter in accordance with law without in any way being influenced by the report of the third respondent dated 28.08.2014.

6. The writ appeal is disposed of with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-ix)

//True Copy//

Sub Assistant Registrar

svki

To

1.The Revenue Divisional Officer,
Sriperumbudur.

2.The Tahsildar,
Sriperumbudur.

+1cc to MR.JRK.BHAVANANTHAM, Advocate, S.R.No. 35741
+2cc to MR.JRK.BHAVANANTHAM, Advocate, S.R.No. 35741
(13/06/2018)

+1cc to MR.JRK.BHAVANANTHAM, Advocate, S.R.No. 34912
(13.06.2018)

+1cc to MR.SELVI GEORGE, Advocate, S.R.No.34890

W.A.No.1228 of 2016

TR(13/06/2018)

सत्यमेव जयते
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