



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.10410 of 2010

S.Mani

... Petitioner

vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The District Revenue Officer,
Thanjavur District,
Thanjavur.

3.The Assistant Director,
Survey and Land Records,
Thanjavur.

4.Pannerselvam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 05.07.2010 made in regard to taking action against the fourth respondent for altering the revenue records and measurements in the land records (UDR) and pass orders within the time stipulated by this Court.

For Petitioner : Mr.B.Satish Kumar
for Mr.G.Thalaimutharasu

For RR 1 to 3 : Mr.K.Mu.Muthu,
Additional Government Pleader.

ORDER

Mr.T.Sathiyathan, learned counsel on record for writ petitioner and Mr.K.Mu.Muthu, learned Additional Government Pleader on behalf of respondents 1 to 3 are before this Court.

2.To be noted, fourth respondent is a private respondent. In the hearing, learned counsel for writ petitioner restricts the prayer to disposal of representation. From the abridged prayer it



comes to light that an order, which is not adverse to fourth respondent (private respondent) can be passed, after making sufficient and adequate safe-guards in this regard.

3. With consent of learned counsel on record for the writ petitioner and learned Additional Government Pleader on behalf of respondents 1 to 3 (official respondents), main writ petition is taken up, heard out and is being disposed of.

4. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 05.07.2010 wherein writ petitioner has alleged alteration of revenue records and sought action.

5. Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner (as mentioned supra) abridges the scope of the writ petition and submits that it will suffice if the second respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 05.07.2010 on its own merits and in accordance with law.

6. Learned State counsel submitted that the second respondent is the authority who shall consider the aforementioned representation dated 05.07.2010 made by the writ petitioner (page Nos.11 & 12 of the typed set of papers forming part of the case file).

7. The aforesaid representation dated 05.07.2010 shall be disposed of by the second respondent on its own merits and in accordance with law as expeditiously as possible and in any event, within a period of eight weeks from the date of receipt of a copy of this order.

8. It is made clear that in the course of the representation being considered by the second respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the second respondent shall put on notice and give reasonable opportunity to such third party / parties or any other third party entity / entities, before disposing of the aforementioned writ petitioner's representation. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter. It is also made clear with specificity that fourth respondent has to be put on notice and given a reasonable opportunity by the second respondent before taking a decision.

9. Though obvious, it is made clear that petitioner abridging the prayer will not tantamount to writ petitioner giving up the contentions raised in the writ petition. In other words, all contentions raised in the writ petition are left open.



10.The proceeding / order of disposal shall be communicated by the office of the second respondent to the writ petitioner under due acknowledgement within seven working days from the date of completion of aforesaid exercise.

11.Instant Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)

ps

To

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The District Revenue Officer,
Thanjavur District,
Thanjavur.
- 3.The Assistant Director,
Survey and Land Records,
Thanjavur.

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