



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.09.2019**

CORAM:

THE HONOURABLE **DR. JUSTICE M. SUNDAR**
W.P. (MD)No.1104 of 2019

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M.S.Prabu ... Petitioner
/Vs./

- 1.The District Collector,
O/o., the District Collectorate,
Trichy 620 001.
- 2.The Revenue Divisional Officer,
O/o., the Revenue District Officer,
Trichy 620 001.
- 3.The Tahsildar,
Thiruverumbur Taluk,
Trichy 620 013.
- 4.The Zonal Deputy Thasildar,
Tiruverumbur Taluk,
Trichy 620 013.
- 5.R.Shanmugam ... Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondents 1 to 4 to dispose of the representation dated 01.08.2018 after conducting an enquiry pertaining to the error or mistake in the patta 'A' Register, Chitta, Adangal pertaining to the land measuring an extent of 39 cents in S.No.128/1A, in Guntoor Village, Tiruverumbur Taluk, Trichy District.

For Petitioner : Mr.V.Karthikeyan

For Respondents : Mr.K.Mu.Muthu (for R1 to R4)
Additional Government Pleader

ORDER

Mr.V.Karthikeyan, learned counsel on record for writ petitioner is before this Court.

2.Mr.K.Mu.Muthu, learned Additional Government Pleader, accepts notice on behalf of the respondents 1 to 4.

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3. From the submissions made, it comes to light that an order, which is no adverse to the fifth respondent (private respondent), can be passed, albeit by making adequate safeguards the details of it, has been set out infra.

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4. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

5. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 01.08.2018 wherein the writ petitioner has sought change of patta.

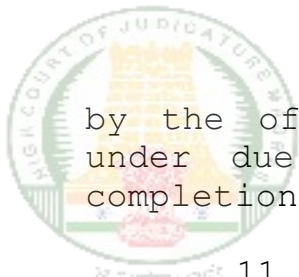
6. Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner abridges the scope of the writ petition and submits that it will suffice if the second respondent/Revenue Divisional Officer is directed to dispose of the aforementioned representation of the writ petitioner, dated 01.08.2018 with rectification request, details of which have been alluded to supra.

7. Learned State counsel submitted that the second respondent is the authority who shall consider the aforementioned representation dated 01.08.2018 made by the writ petitioner (page No.10 of the typed set of papers forming part of the case file).

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 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 that it is necessary to put fifth respondent on notice before disposal of the representation.

9. The aforesaid representation dated 01.08.2018 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.

10. The proceeding / order of disposal shall be communicated
<https://hcservices.ecourts.gov.in/hcservices/>



by the office of the second respondent to the writ petitioner under due acknowledgement within seven working days from the completion of aforesaid exercise.

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

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar (CS)

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To

- 1.The District Collector,
O/o., the District Collectorate,
Trichy 620 001.
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- 4.The Zonal Deputy Thasildar,
Tiruverumbur Taluk,
Trichy 620 013.

+1 CC to M/s.SPL GP (SR-85552[F] dated 06/09/2019)

+1 CC to M/s.V.KARTHIKEYAN, Advocate (SR-85950[F] dated 09/09/2019)

Order made in
W.P. (MD)No.1104 of 2019
Dated:
05.09.2019

KM/ (27.09.2019) 3P 7C