



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.891 of 2019

and

W.M.P(MD)No.802 of 2019

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P.Rajakumari

... Petitioner

vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Devakottai,
Tahsildar Office,
Devakottai Taluk,
Sivagangai District.

3.Mahendran

4.Saathaiah

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first and second respondents to initiate legal action as against the third and fourth respondents based on the representation of the petitioner dated 09.01.2019 with the first respondent and 27.12.2018 with the second respondent and consequently direct the first and second respondents to make arrangement to the petitioner to enable her along with her family members to participate in the forthcoming Village festivals namely pongal and other related functions at Aaravayal Village, Devakottai Taluk, Sivagangai District from 15.01.2019 onwards by remitting the subscription (Village Tax).

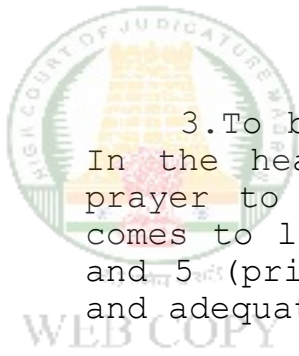
For Petitioner : Mr.C.M.Arumugam

For RR 1 & 2 : Mr.Aayiram K.Selvakumar,
Additional Government Pleader.

ORDER

Mr.C.M.Arumugam, learned counsel on record for writ petitioner is before this Court.

2.Mr.Ayiram K.Selvakumar, learned Additional Government Pleader, accepts notice on behalf of respondents 1 and 2.



3.To be noted, respondent Nos.3 and 4 are private respondents. 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 respondents 4 and 5 (private respondents) can be passed, after making sufficient and adequate safe-guards.

4.With consent of learned counsel on record for the writ petitioner and learned Additional Government Pleader, who accepts notice on behalf of respondents 1 and 2 (official respondents), main writ petition is taken up, heard out and is being disposed of.

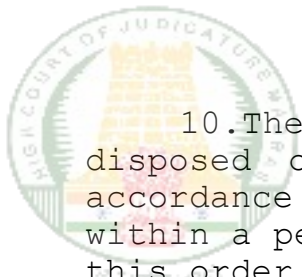
5.The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 27.12.2018 wherein writ petitioner has sought redressal regarding her complaint of being prevented from making common contribution and participating in common festivals in the Village.

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 (as mentioned supra) abridges the scope of the writ petition and submits that it will suffice if the first respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 27.12.2018 with rectification request, details of which have been alluded to supra.

7.Learned State counsel submitted that the first respondent is the authority who shall consider the aforementioned representation dated 27.12.2018 made by the writ petitioner (page Nos.1 and 2 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 first respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the first 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 respondent Nos.3 and 4 have to be put on notice by the first 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 aforesaid representation dated 27.12.2018 shall be disposed of by the first 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.

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

12.Instant Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Devakottai,
Tahsildar Office,
Devakottai Taluk,
Sivagangai District.

+1 CC to SPL GP SR-85600.

+1 CC to M/s.C.M.ARUMUGAM, Advocate SR-85788.

W.P(MD)No.891 of 2019
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