



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.900 of 2019
and
W.M.P(MD)No.726 of 2019

Vijayaraj

... Petitioner

vs.

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Superintendent of Police,
Thanjavur District,
Thanjavur.
- 3.The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.
- 4.The Revenue Tahsildar,
Peravurani,
Thanjavur District.
- 5.The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
- 6.Palaniappan
- 7.Siva Rajendran
- 8.Neelakandan

... 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 5 to take appropriate action on the basis of the petitioner's representation dated 15.12.2018 for prohibiting Kattapanchayat and curtailing the ex-communication on the petitioner and his family members.



For Petitioner : Mr.T.Sathiyathan
For RR 1 to 5 : Mr.K.Mu.Muthu,
Additional Government Pleader.

WEB COPY

ORDER

Mr.T.Sathiyathan, 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 respondents 1 to 5.

3.To be noted, respondent Nos.6 to 8 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 6 to 8 (private respondents) can be passed, after making sufficient and adequate safe-guards in this regard.

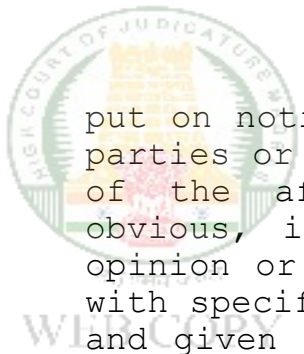
4.With consent of learned counsel on record for the writ petitioner and learned Additional Government Pleader, who accepts notice on behalf of respondents 1 to 5 (official respondents), main writ petition is taken up, heard out and is being disposed of.

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 15.12.2018 wherein writ petitioner alleges that he has been ostracised.

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 fourth respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 15.12.2018 with rectification request, details of which have been alluded to supra.

7.Learned State counsel submitted that the fourth respondent is the authority who shall consider the aforementioned representation dated 15.12.2018 made by the writ petitioner (page Nos.2 and 3 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 fourth respondent, if the rights of any other third party / parties or any other third party entity / entities are likely to be affected, the fourth 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.6 to 8 have to be put on notice and given a reasonable opportunity by the fourth 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 15.12.2018 shall be disposed of by the fourth 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.

11.The proceeding / order of disposal shall be communicated by the office of the fourth respondent to the writ petitioner under due acknowledgement within seven working days from the date of 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 (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Superintendent of Police,
Thanjavur District,
Thanjavur.
- 3.The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.



4.The Revenue Tahsildar,
Peravurani,
Thanjavur District.

5.The Inspector of Police,
Peravurani Police Station,
Thanjavur District.

+1 CC to M/s.B. ANANDAN, Advocate (SR-85455[F] dated 05/09/2019)

+1 CC to M/s.SPL GP (SR-85599[F] dated 06/09/2019)

W.P (MD) No.900 of 2019
05.09.2019

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