



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2019

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.17472 of 2019
and
W.M.P. (MD) No.13964 of 2019

M.Bose

...Petitioner

-Vs-

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Thirumangalam Taluk,
Thirumangalam.

3.Mayandithevar

4.K.Muthu Thevar

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 2nd respondent to cancel the patta No.984 and 1976 standing in the name of respondents 3 and 4 for 79 cents of land comprised in survey No.157/1 of A.Kokkulam Village, Thirumangalam Taluk, Madurai District, considering the representation of the petitioner dated 19/02/2018 and consequently issue the patta in favour of the petitioner forthwith.

For Petitioner : Mr.M.V.Venkataseshan

For Respondent : Mr.C.M.Mari Chelliah Prabhu, AGP

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the 2nd respondent to cancel the patta No.984 and 1076 standing in the name of respondents 3 and 4 for 79 cents of land comprised in survey No.157/1 of A.Kokkulam Village, Thirumangalam Taluk, Madurai District, considering the representation of the



petitioner dated 19/02/2018 and consequently issue the patta in favour of the petitioner forthwith.

2. Heard Mr.M.V.Venkataseshan, learned counsel appearing for the petitioner and Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader appearing for the respondents 1 and 2. Since no adverse order is going to be passed against the respondents 3 and 4, notice to them is dispensed with.

3. In order to cancel the patta Nos.984 and 1076 standing in the name of respondents 3 and 4 for 79 cents of land comprised in survey No.157/1 of A.Kokkulam Village, Thirumangalam Taluk, Madurai District, the petitioner had given a representation dated 19.02.2018. The said representation having been considered and a communication has been issued by the 2nd respondent Tahsildar on 07.11.2018 stating that with regard to the said issue, review has been pending before this Court as the affected party already filed the review against the order passed by this Court in S.A.No.991 of 2005 and therefore, after the order to be passed by this Court in the said Review Petition (MD) No.36 of 2018 alone, the issue can be decided.

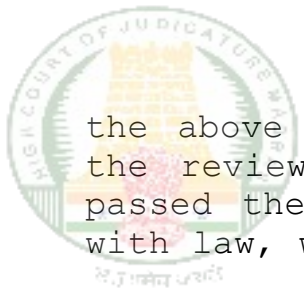
4. In this context, the learned counsel appearing for the petitioner brought to the notice of this Court that, the said Review Petition (MD) No.36 of 2018 in S.A.No.991 of 2005 filed by the respondents 3 and 4 herein against the petitioner and others had been withdrawn and it was accordingly, dismissed by the orders of this Court dated 24.01.2019 and the said order reads thus:

"The learned counsel appearing for the petitioners seeks permission to withdraw this petition. He has also made an endorsement to that effect.

2. In view of the endorsement made by the learned counsel appearing for the petitioners, this Review Application is dismissed as withdrawn. No costs."

5. The learned counsel appearing for the petitioner submits that, after the disposal of the said review as withdrawn, the petitioner again had given representation on 06.02.2019 to the 2nd respondent, to do the needful with regard to his grievance regarding the cancellation of patta granted in favour of the private respondents herein. The said representation since has not been considered, he again made representation on 17.06.2019 and thereafter, issued a legal notice dated 17.07.2019. However, the efforts taken by the petitioner gone vain. Therefore, the petitioner is before this Court.

6. I have heard the learned Additional Government Pleader, who would submit that, after hearing the petitioner as well as the respondents 3 and 4, in view of the order passed by this Court in



the above referred second appeal and in view of the disposal of the review petition as referred to above, final order would be passed thereon by the 1st respondent on merits and in accordance with law, within a time frame to be stipulated by this Court.

7. Considering the said submission made by both sides, by taking into account the factual matrix of this case, this Court is inclined to dispose of this writ petition, with the consent of both the parties, at the stage of admission itself, with the following direction:

"The 2nd respondent is hereby directed to consider the representation of the petitioner dated 19.02.2018 and the reminder representation dated 06.02.2019 and 17.06.2019 and pass orders thereon, on merits and in accordance with law, of course, after hearing the petitioner as well as the respondents 3 and 4 by issuing separate notices. While considering the said representations, the 2nd respondent shall take into account the civil Court decree as has been passed in the judgment referred to above in S.A.(MD) No.991 of 2005. The needful as indicated above shall be undertaken by the 2nd respondent, within a period of 6 weeks from the date of receipt of a copy of this order".

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Madurai District,
Madurai.

2. The Tahsildar,
Thirumangalam Taluk,
Thirumangalam.



W.P.(MD)No.17472 of 2019

+2 CC to M/s.M.V.VENKATASESHAN, Advocate (SR-80998[F] dated 09/08/2019)

+1 CC to M/s.SPL GP (SR-81244[F] dated 09/08/2019)

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Order made in

W.P. (MD)No.17472 of 2019

Dated:

08.08.2019

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