



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

WEB COPY

W.P(MD)No.18357 of 2019

Natesan

... Petitioner

vs.

1.The Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.

2.The Tahsildar,
Tiruchendur,
Thoothukudi District.

3.N.Subramanian

... Respondents

(R - 3 is impleaded vide order
dated 17.09.2019 in W.M.P(MD)No.15763 of 2019)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation dated 10.07.2019 and issue patta bearing in Iyan Punjai Re-survey No.688/1B2 total extent as 91 cents in his name and his family members which is situated at Kandasampuram Village, Tiruchendur Taluk, Thoothukudi District within the time stipulated by this Court.

For Petitioner : Mr.A.D.Ganeshamoorthi

For RR 1 & 2 : Mr.B.Bhagawathi,
Government Advocate.

ORDER

Mr.A.D.Ganeshamoorthi, learned counsel on record for writ petitioner and Mr.B.Bhagawathi, learned Government Advocate on behalf of respondents 1 & 2 (official respondents) are before this Court.

2.To be noted, third 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 third 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 Government Advocate on behalf of respondents 1 & 2 (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 06.08.2019 wherein writ petitioner has sought deletion of third respondent's name from the patta.

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 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 06.08.2019 on its own merits and in accordance with law.

6. Learned State counsel submitted that the first respondent is the authority who shall consider the aforementioned representation dated 06.08.2019 made by the writ petitioner (page Nos.14 & 15 of the typed set of papers forming part of the case file).

7. 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.

8. The aforesaid representation dated 06.08.2019 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.

9. 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 third respondent has to be put on notice and given a reasonable opportunity by the first respondent before taking a decision.

10. 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 date of service of the order on the first respondent.



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

Sd/-
Assistant Registrar

WEB COPY/TRUE COPY/

Sub Assistant Registrar

To

1.The Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.

2.The Tahsildar,
Tiruchendur,
Thoothukudi District.

+1 CC to M/s.A.D. GANESHA MOORTHY, Advocate (SR-87344[F] dated 18/09/2019)

+1 CC to M/s.SPL GP (SR-87572[F] dated 18/09/2019)

W.P (MD) No.18357 of 2019
17.09.2019

ps

JM/10.10.2019/3P/5C