



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.09.2019**

CORAM:

THE HONOURABLE **MR. JUSTICE M.SUNDAR**

W.P (MD) No.19092 of 2019

WEB COPY

V.Sheik Amir Ali

... Petitioner

/vs./

1.The Additional Chief Secretary/
Commissioner of Land Administration,
Chepauk,
Chennai-600 005.

2.The District Collector,
Dindigul District,
Dindigul.

3.The Tahsildar,
Aathur Taluk,
Dindigul District.

4.Nowsath Begum

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to dispose of the appeal received in No.28413 of 2015 on 25.07.2016 preferred against the order passed by the second respondent in Na.Ka.No.28413/2015/R4, dated 27.06.2016.

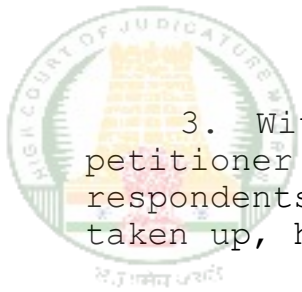
For Petitioner : Mr.T.S.Mohamed Mohideen

For R-1 to R-3 : Mr.K.Mu.Muthu
Additional Government Pleader

ORDER

Mr.T.S.Mohamed Mohideen, learned counsel on record for writ petitioner and Mr.K.Mu.Muthu, learned Additional Government Pleader, on behalf of respondents 1 to 3 are before this Court .

2. To be noted, respondent No.4 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 respondent No.4 (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 Additional Government Pleader, on behalf of respondents 1 to 3 (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 25.07.2016 wherein, the writ petitioner has sought some clarification regarding an order made by the second respondent being order dated 27.06.2016 bearing reference Na.Ka.No.28413/2015/R4. To be noted, in the case file placed before this Court, the representation dated 25.07.2016, has been referred to as an appeal. But the same shall be treated as a representation.

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 (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 25.07.2016, details of which have been alluded to supra.

6. Learned State counsel submitted that the first respondent is the authority who shall consider the aforementioned representation dated 25.07.2016 made by the writ petitioner (page Nos.58 to 62 of the typed set of papers forming part of the case file).

7. To be noted, the writ petitioner shall submit a representation afresh along with a copy of this order. The aforesaid fresh representation 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 twelve (12) weeks from the date of such submission.

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 No.4 has to be put on notice and given a reasonable opportunity 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 proceeding / order of disposal shall be communicated by the office of the first respondent to the writ petitioner under due acknowledgement within seven (7) working days from the date of completion of aforesaid exercise.

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

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Additional Chief Secretary/
Commissioner of Land Administration,
Chepauk,
Chennai-600 005.

2.The District Collector,
Dindigul District,
Dindigul.

3.The Tahsildar,
Aathur Taluk,
Dindigul District.

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 89031

Order made in
W.P(MD)No.19092 of 2019
Dated: 23.09.2019

CS(CO)

TR(11.10.2019) 3P 5C