



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P (MD)No.19103 of 2019

WEB COPY

M.Samsulhaq

... Petitioner

vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram, Ramanathapuram District.

3. Liyagath Ali

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the second respondent to cancel the patta stands in the name of the third respondent regarding the property situated in Punja S.No.176/2B to the extent of 40 cents, S.No.177/2B to the extent of 26 cents, S.No.177/3B to the extent of 37 cents, S.No.176/2C to the extent of 44 cents, S.No.177/2C, to the extent of 32 cents and S.No.177/3C to the extent of 47 cents and totally 2 Acres 26 cents in Kanjirangudi Group, Ramanathapuram Taluk.

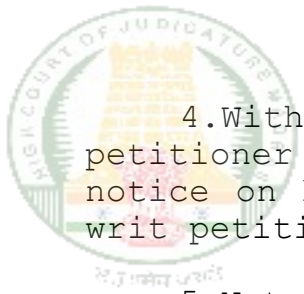
For Petitioner	: Mr.M.Rajaguru for M/S.P.Santhana Krishnan
For R1 & R2	: Mr.K.Mu.Muthu, Additional Government Pleader.

ORDER

Mr.TM.Rajaguru, 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 & 2 (official respondents).

3.To be noted, respondent No.3 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 the rights of the third respondent (private respondent) 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 & 2 (official respondents), main writ petition is taken up, heard out and is being disposed of.

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 second respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 16.08.2019 on its own merits and in accordance with law.

6. The main writ petition now (owing to abridged prayer/scope) turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 16.08.2019 wherein the writ petitioner has requested that the patta, which stood in his name and subsequently transferred in the name of the third respondent, may please be rescinded.

7. Learned State counsel submitted that second respondent is the authority who shall consider the aforementioned representation dated 16.08.2019 made by the writ petitioner (page Nos.8 to 10 of the typed set of papers forming part of the case file).

8. Though obvious, it is made clear that petitioner abridging the prayer and scope of this writ petition 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 16.08.2019 shall be disposed of by the second 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. It is made clear that in the course of the representation being considered by the second respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the second 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 the third respondent has to be put on notice and given a reasonable opportunity by the second respondent before taking a decision.



12.The proceedings / order of disposal shall be communicated by the office of the second respondent to the writ petitioner under due acknowledgement within seven working days from the date of completion of aforesaid exercise.

13.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)

To

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram,
Ramanathapuram District.

+1 CC to Mr.P.SANTHANAKRISHNAN, Advocate (SR-86445[F] dated 13/09/2019)

+1 CC to spl.GP (SR-86549[F] dated 13/09/2019)

W.P (MD) No.19103 of 2019
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gns/mrn

MK (25.09.2019) 3P 5C