



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.09.2019**

CORAM:

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

W.P (MD) No.19276 of 2019

and

W.M.P (MD) No.15699 of 2019

WEB COPY

C.Muthukumar

... Petitioner

/Vs./

1.The District Collector,
Kanyakumari District, Kanyakumari.

2.The District Forest Officer,
Nagercoil,
Kanyakumari District.

3.The Superintendent of Police,
Nagercoil,
Kanyakumari District,
Kanyakumari.

4.The Sub Collector,
Nagercoil,
Kanyakumari District.

5.The Revenue Divisional Officer,
Nagercoil Kanyakumari District.

6.The Thasildar,
Thovaalai Taluk,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner land for doing agricultural activities in S.No.3/1, 3/2 and 16/2 of the Aralvailmozhi Village and S.No. 6/5B and 8/2A, 8/4A, 8/7B of the Thoivalai Village based on the representation of the petitioner dated 20.08.2019.

For Petitioner	: Mr.V.Ramsundar
	for M/s.Veera Associates
For Respondents	: Mr.K.Mu.Muthu
	Additional Government Pleaders



ORDER

Mr.V.Ramsundar, 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 all six respondents.

3. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

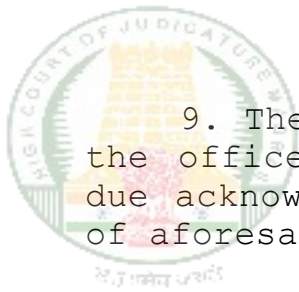
4. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 20.08.2019 wherein writ petitioner has complained of disturbance by Revenue Authorities and Forest Department Authorities with regard to writ petitioner's agricultural activities in lands for which writ petitioner claims that he has joint 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 20.08.2019, 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 20.08.2019 made by the writ petitioner (page No.45 of the typed set of papers forming part of the case file).

7. 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 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.

8. The aforesaid representation dated 20.08.2019 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 (8) weeks from the date of receipt of a copy of this order.



9. 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 completion of aforesaid exercise.

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

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

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To

1.The District Collector,
Kanyakumari District, Kanyakumari.

2.The District Forest Officer,
Nagercoil,
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Thovaalai Taluk,
Kanyakumari District.

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-86165[F] dated 10/09/2019)

+1 CC to M/s.GP (SR-86146[F] dated 10/09/2019)

Order made in
W.P (MD) No.19276 of 2019

Dated:
09.09.2019