



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **09.09.2019**

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.19414 of 2019

WEB COPY

N.Meiyazhagan

... Petitioner

/vs./

1.The District Collector,
Theni District, Theni.

2.The Revenue Divisional Officer,
Periyakulam Taluk,
Theni District.

3.The Tashidar,
Andipatti Taluk,
Theni District.

4.Nadarajan

5.Mokkamayi

6.Chelladurai

7.Senthil

8.Thangadurai

9.Jeyachandiran

10.Nalladevar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd respondent to change the name in patta in the name of the petitioner in respect of the property S.Nos. 52/2A2, 52/2A4, 52/2A5, 52/2A6, Andipatti Village, Andipatti Taluk, Theni District based on the decree passed in O.S.No.143 of 2010 on the file of the Learned District Munsif Cum Judicial Magistrate, Andipatti.

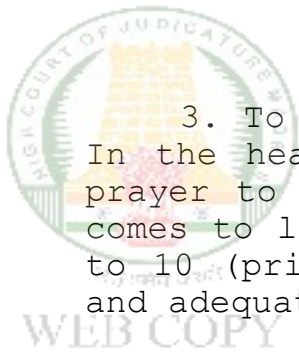
For Petitioner : Mr.R.Maheswaran

For R-1 to R-3 : Mr.B.Bhagawathi
Government Advocate

ORDER

Mr.R.Maheswaran, learned counsel on record for writ petitioner is before this Court.

2. Mr.B.Bhagawathi, learned Government Advocate, accepts notice on behalf of respondents 1 to 3.



3. To be noted, respondent Nos.4 to 10 are private respondents. 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 respondents 4 to 10 (private respondents) 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 Government Advocate, who accepts notice on behalf of respondents 1 to 3 (official respondents), main writ petition is taken up, heard out and is being disposed of.

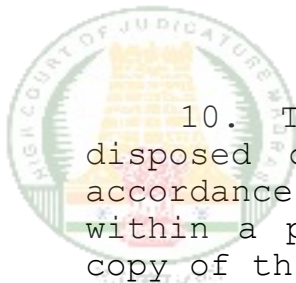
5. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 02.08.2019 wherein writ petitioner has sought change of patta in his name after cancelling the existing patta, based on a Civil Court Decree dated 07.10.2013 in O.S.No.143 of 2010 on the file of the District Munsif Court, Andipatti.

6. 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 third respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 02.08.2019, details of which have been alluded to supra.

7. Learned State counsel submitted that the third respondent is the authority who shall consider the aforementioned representation dated 02.08.2019 made by the writ petitioner (page No.7 of the typed set of papers forming part of the case file).

8. It is made clear that in the course of the representation being considered by the third respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the third 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 Nos.4 to 10 have to be put on notice and given a reasonable opportunity by the third 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 aforesaid representation dated 02.08.2019 shall be disposed of by the third 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.

11. The proceeding / order of disposal shall be communicated by the office of the third respondent to the writ petitioner under due acknowledgement within seven (7) working days from the date of completion of aforesaid exercise.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Theni District, Theni.

2.The Revenue Divisional Officer,
Periyakulam Taluk,
Theni District.

3.The Tashidar,
Andipatti Taluk,
Theni District.

+1 CC to Mr.R.MAHESWARAN, Advocate (SR-85957[F] dated 09/09/2019)

Order made in
W.P(MD)No.19414 of 2019
Dated:09.09.2019

SM

MK (26.09.2019) 3P 5C