



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.09.2019**

CORAM:

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

W.P(MD)No.20608 of 2019

Arasu Rani

... Petitioner

/vs./

1.The Revenue Divisional Officer,
Uthamapalayam,
Theni District.

2.The Tashidar,
Bodinayakanur Taluk Office,
Bodinayakanur,
Theni District.

3.Kathiresan Chettiar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st and 2nd Respondents to remove the entry in the online with regard to lands in Survey No.259/5C, 249/5B, 251/1B1, 251/3A, 251/1A situated at B.Meenakshipuram Village, Bodinayakanur Taluk, Theni District as residential area and keep it as Nanja lands and further direct the 1st and 2nd respondents do not give the no objection certificate to the 3rd Respondent for converting the Nanjai lands into residential area in the above said lands based on the petitioner's representation dated 15-09-2017.

For Petitioner : Mr.G.Gomathi Sankar

For R-1 and R-2 : Mr.M.Rajarajan
Government Advocate

ORDER

Mr.G.Gomathi Sankar, learned counsel on record for writ petitioner is before this Court.

2. Mr.M.Rajarajan, learned Government Advocate, accepts notice on behalf of respondents 1 and 2.

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 respondent No.3 (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 Government Advocate, who accepts notice on behalf of respondents 1 and 2 (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 15.09.2017 wherein writ petitioner has made a request that classification of lands comprised in five different survey numbers be changed as Nanja lands.

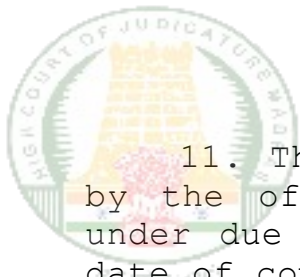
6. Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner (as mentioned supra) abridges the scope of the writ petition and submits that it will suffice if the second respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 15.09.2017, details of which have been alluded to supra.

7. Learned State counsel submitted that the second respondent is the authority who shall consider the aforementioned representation dated 15.09.2017 made by the writ petitioner (page No.1 of the typed set of papers forming part of the case file).

8. The aforesaid representation dated 15.09.2017 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 (8) 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 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 respondent No.3 has to be put on notice and given a reasonable opportunity by the second respondent before taking a decision.

10. 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.



11. The proceeding / order of disposal shall be communicated by the office of the second 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 ()

// True Copy //

Sub Assistant Registrar (CS)

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To

1.The Revenue Divisional Officer,
Uthamapalayam,
Theni District.

2.The Tashidar,
Bodinayakanur Taluk Office,
Bodinayakanur,
Theni District.

+1 CC to M/s.SGP (SR-89825[F] dated 26/09/2019)

+1 CC to M/s.G.GOMATHISANKAR, Advocate (SR-89462[F] dated 26/09/2019)

Order made in
W.P (MD) No.20608 of 2019

Dated:
25.09.2019

_KM/(09.10.2019) 3P 5C