



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2019

CORAM:

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

W.P (MD) No. 20011 of 2019

K.Deivam

... Petitioner

/vs./

1.The Tahsildar,
Usilamapatti Taluk,
Madurai District.

2.R.Gangatharan

3.R.Kasimayan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation dated 05.03.2019 and issue separate patta in favour of the petitioner's property in Survey No.11/3 measuring to an total extent of 2 acre and 31 ½ cents out of the 4 acres and 63 cents as per the family arrangement dated 23.09.2000 and sale deed dated 04.10.2012 within a stipulated time fixed by this Court.

For Petitioner : Mr.J.Jeyakumaran
For Respondent : Mr.M.Rajarajan (for R1)
Government Advocate

ORDER

Mr.J.Jeyakumaran, learned counsel on record for writ petitioner is before this Court.

2. Mr.M.Rajarajan, learned Government Advocate, accepts notice on behalf of first respondent.

3. To be noted, respondent Nos.2 and 3 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 2 and 3 (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 first respondent (official respondent), 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 05.03.2019 wherein writ petitioner has sought separate patta pursuant to a family arrangements for lands, which according to he writ petitioner belong to him.

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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 first respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 05.03.2019, details of which have been alluded to supra.

7. Learned State counsel submitted that the first respondent is the authority who shall consider the aforementioned representation dated 05.03.2019 made by the writ petitioner (page Nos.50 and 51 of the typed set of papers forming part of the case file).

8. The aforesaid representation dated 05.03.2019 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. 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 Nos.2 and 3 have to be put on notice and given a reasonable opportunity by the first 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 first 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-III)

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// True Copy //

Sub Assistant Registrar(CS)

To

The Tahsildar,
Usilamapatti Taluk,
Madurai District.

+1 CC to SPL GP SR-87910.

+1 CC to Mr.J.JEYAKUMAR, Advocate SR-88104.

Order made in

W.P(MD)No.20011 of 2019

Dated:

18.09.2019

rmk

CS(09.10.2019) 3P 4C