



WEB COPY

W.P(MD)No.21625 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.10.2019**

CORAM:

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

W.P (MD) No.21625 of 2019

M.M.R.Abdul Karim

... Petitioner

/vs./

1.The District Collector,
Collectorate,
Madurai - 625 020.

2.The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Melur Taluk, Melur,
Madurai District.

3.The Tahsildar,
O/o. the Tahsildar,
Melur Taluk, Melur,
Madurai District.

4.M.Shajahan

5.Sheik Dawood

6.M.O.Shahul Hameed

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent Nos.1 to 3 to take action for removing the patta entry made by the respondent Nos.4 to 6 in the Survey Nos.227 & 228 with extent about 1 acre and 40 cents, situated at Melur, Madurai District which is originally belongs to Mohaideen Andavar Jumma Periyapallivasal, Melur, Madurai District by considering petitioner's representation dated 15.05.2019.

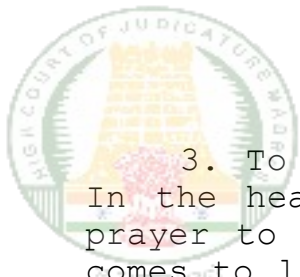
For Petitioner : Mr.S.M.A.Jinnah

For R-1 to R-3 : Mr.Aayiram K.Selvakumar
Additional Government Pleader

ORDER

Mr.S.M.A.Jinnah, learned counsel on record for writ petitioner is before this Court.

2. Mr.Aayiram K.Selvakumar, learned Additional Government Pleader, accepts notice on behalf of respondents 1 to 3.



3. To be noted, respondent Nos.4 to 6 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 6 (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 Additional Government Pleader, 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.

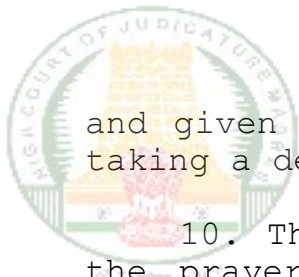
5. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 15.05.2019 wherein writ petitioner has sought correction of certain revenue entries pertaining to certain lands mentioned therein.

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 15.05.2019, 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 15.05.2019 made by the writ petitioner (page Nos.30 and 31 of the typed set of papers forming part of the case file).

8. The aforesaid representation dated 15.05.2019 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 (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 Nos.4 to 6 have 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)

To

1.The District Collector,
Collectorate, Madurai - 625 020.

2.The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Melur Taluk, Melur, Madurai District.

3.The Tahsildar, O/o. the Tahsildar,
Melur Taluk, Melur, Madurai District.

+2CC TO MR.S.M.A.JINNAH, Advocate Sr. No. 92269 & 91751
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.91918

Order made in
W.P(MD)No.21625 of 2019
Dated:14.10.2019

MR(CO)
TR(21.10.2019) 3P 7C