



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.09.2019**

CORAM:

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

W.P (MD)No.20622 of 2019

WEB COPY

R.Athimoolam

... Petitioner

/vs./

1.The District Collector,
Virudhunagar District, Virudhunagar.

2.The District Revenue Officer, Virudhunagar.

3.The Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.

4.The Thasildar,
Kariyapatti, Virudhunagar District.

5.Pothiraj

... 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 issue patta to the petitioner in respect of the land in Survey No.31/1, Allikulam Village, Kariyapatti Taluk, Virudhunagar District based upon petitioner's patta application dated 06-04-2015 as he purchased the land by a registered sale deed dated 26-05-2014 vide document No.1770/2014, Sub Registrar office, Kariyapatti and as per the proceedings of the 3rd Respondent in Na.Ka.Aa1/978/2018 dated 06-06-2010.

For Petitioner : Mr.K.K.Kannan

For R-1 to R-4 : Mr.K.Mu.Muthu

Additional Government Pleader

ORDER

Mr.K.K.Kannan, 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 respondents 1 to 4.

3. To be noted, respondent No.5 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.5 (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 Additional Government Pleader, who accepts notice on behalf of respondents 1 to 4 (official respondents), main writ petition is taken up, heard out and is being disposed of.

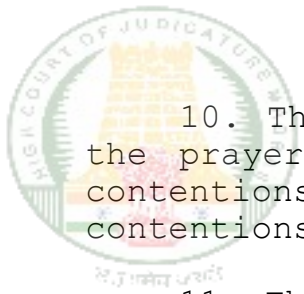
5. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 13.09.2019 wherein writ petitioner has sought issue of patta for land which according to writ petitioner belongs to him.

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 13.09.2019, 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 13.09.2019 made by the writ petitioner (page Nos.36 and 37 of the typed set of papers forming part of the case file).

8. The aforesaid representation dated 13.09.2019 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 No.5 has to be put on notice and given a reasonable opportunity by the second respondent before taking a decision. Besides putting the 5th respondent and all other persons having interest on notice and giving them reasonable opportunity, the second respondent shall also ascertain if there is any appeal against judgment and decree dated 11.09.2017 made in O.S.No.148 of 2010 on the file of the Principal District Munsif Court, Aruppukottai, in the course of dealing with representation.



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 District Collector,
Virudhunagar District, Virudhunagar.
- 2.The District Revenue Officer, Virudhunagar.
- 3.The Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.
- 4.The Thasildar, Kariyapatti, Virudhunagar District.

+1 CC to M/s.K.K.KANNAN, Advocate SR-89135.

+1 CC to GP SR-89844.

Order made in
W.P(MD)No.20622 of 2019

Dated:
25.09.2019

CS(15.10.2019) 3P 7C