



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.20778 of 2019

K.Susila

... Petitioner

vs.

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Tahsildar,
Vilathikulam Taluk,
Vilathikulam,
Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to issue a separate patta to the petitioner's property to the extent of 20 cents in S.No.28/1B2, [old Ward No.12], Vilathikulam Town, Vilathikulam, Tuticorin District by considering the petitioner's representation, dated 06.08.2019.

For Petitioner : Mr.S.M.Anantha Murugan

For Respondents : Mr.B.Bhagawathi,
Government Advocate.

ORDER

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

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

3. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

4. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 06.08.2019 wherein writ petitioner has sought separate patta for 20 cents on the basis that his father, who is one of the joint pattadhars qua patta No.4411, has settled 20 cents in her favour.



5. 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 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 06.08.2019 on its own merits and in accordance with law.

6. Learned State counsel submitted that the second respondent is the authority who shall consider the aforementioned representation dated 06.08.2019 made by the writ petitioner (page Nos.12 and 13 of the typed set of papers forming part of the case file) within a time frame stipulated by this Court.

7.The aforesaid representation dated 06.08.2019 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 weeks from the date of receipt of a copy of this order.

8. 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 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.

9. The proceeding / order of disposal shall be communicated by the office of the second respondent to the writ petitioner under due acknowledgement within seven working days from the completion of aforesaid exercise.

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

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

ps



To

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Tahsildar,
Vilathikulam Taluk,
Vilathikulam,
Tuticorin District.

+1 CC to M/s.S.M.ANANTHA MURUGAN, Advocate (SR-89628[F] dated
26/09/2019)

+1 CC to M/s.GP (SR-90251[F] dated 27/09/2019)

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26.09.2019

PS

KK/SAR/10.10.2019/3P-5C/