



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2019

CORAM:

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

W.P(MD)No.21418 of 2019

WEB COPY

Swamy Paramanandha

... Petitioner

/Vs./

1.The Competent Authority &
The Assistant Commissioner
Land Reforms,
Urban Land Ceiling and Urban Land Tax,
36, Bharathi Ula Road,
Madurai.

2.The Commissioner,
Land Reforms,
Ezhilagam,
Chennai.

3.State rep., by the District Collector,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the second respondent to restore the land comprised in T.S.No.6/2B an extent 33 cents equal to 1339 sq.mtr., situated at Villapuram village in the name of the "Brahmanandha Swamigal Madalayam" Mutt in lieu of the order dated 23.11.2007 passed in W.P(MD).No.1072 of 2004 on the file of this Court.

For Petitioner : Mr.K.Jagadeesan

For Respondents : Mr.M.Rajarajan

Government Advocate

ORDER

Mr.K.Jagadeesan, learned counsel on record for writ petitioner is before this Court.

2. Mr.M.Rajarajan, learned Government Advocate, accepts notice on behalf of all three 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 12.09.2019 wherein writ petitioner seeks restoration of 33 cents of lands.

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 12.09.2019, details of which have been alluded to supra.

6. Learned State counsel submitted that the second respondent is the authority who shall consider the aforementioned representation dated 12.09.2019 made by the writ petitioner (page Nos.18 to 20 of the typed set of papers forming part of the case file).

7. The aforesaid representation dated 12.09.2019 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.

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 (7) working days from the completion of aforesaid exercise.

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

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Competent Authority &
The Assistant Commissioner
Land Reforms,
Urban Land Ceiling and Urban Land Tax,
36, Bharathi Ula Road,
Madurai.

2.The Commissioner,
Land Reforms,
Ezhilagam,
Chennai.

3.The District Collector,
Madurai.

+1 CC to Mr.K.JAGADEESAN, Advocate (SR-91771[F] dated 14/10/2019)

+1 CC to SPL GP (SR-91902[F] dated 15/10/2019)

Order made in
W.P(MD)No.21418 of 2019
14.10.2019

rmk

VB(24.10.2019) 3P 6C