



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.18464 of 2015

Kasinaidu

... Petitioner

vs.

1.The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Usilampatti, Madurai District.

3.The Tahsildar,
Thirumangalam,
Madurai District.

4.R.Jeyaraman

... Respondents

(R - 4 is impleaded vide order
dated 01.03.2016 in M.P(MD)No.1 of 2015)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent to issue patta to the petitioner in respect of the land bearing S.No.140/47 situated at Katrampatti Village, Thirumangalam Taluk, Madurai District based on the demarcation effected by the third respondent on 17.07.2015 within the time stipulated by this Court.

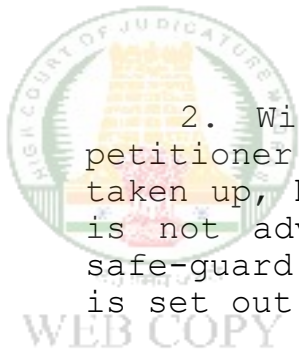
For Petitioner : Mr.PT.S.Narendra Vasan

For RR 1 to 3 : Mr.B.Bhagawathi
Government Advocate.

For R - 4 : No appearance

ORDER

Mr.PT.S.Narendra Vasan, learned counsel on record for writ petitioner and Mr.B.Bhagawathi, learned Government Advocate on behalf of respondents 1 to 3 are before this Court, but there is no representation on behalf of the fourth respondent, though fourth respondent has been duly served and has entered appearance through a counsel.



2. With consent of learned counsel on record for the writ petitioner and learned Government Advocate, main writ petition is taken up, heard out and is being disposed of. To be noted this order is not adverse to the rights of the fourth respondent, adequate safe-guard / safety valve has been made in this regard and the same is set out infra elsewhere in this order.

3. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua patta in respect of the land comprised in Survey No.140/47 situated at Katrampatti Village, Thirumangalam Taluk, Madurai District.

4. 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 the writ petitioner will now give an application / representation for issuance of patta pursuant for the property measured / localised by the third respondent in compliance with order dated 30.04.2015 made by this Court in W.P(MD)No.7438 of 2015 and it will suffice if the third respondent is directed to dispose of such representation of the petitioner for issuance of patta.

5. The aforementioned representation shall be made by the writ petitioner within a period of one week from the date of receipt of a copy of this order.

6. Learned State counsel submitted that the third respondent is the authority who shall consider such representation.

7. It is made clear that in the course of the representation being considered by the third respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the third respondent shall put on notice and give reasonable opportunity to such third party / parties or any other third party entity / entities, before disposing of such 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.4 have to be put on notice and given a reasonable opportunity by the third respondent before taking a decision.

8. 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.

9. Such representation shall be disposed of by the third 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 such representation.



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

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

Sd/-
Assistant Registrar(AS)

/TRUE COPY/

Sub Assistant Registrar

To

1.The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Usilampatti, Madurai District.

3.The Tahsildar,
Thirumangalam,
Madurai District.

+1 CC to M/s.PT.S.NARENDRAVASAN, Advocate (SR-86108[F] dated 10/09/2019)

+1 CC to M/s.GP (SR-86278[F] dated 12/09/2019)

+1 CC to M/s.T.VADIVELAN, Advocate (SR-86394[F] dated 12/09/2019)

W.P (MD) No.18464 of 2015
10.09.2019

ps
JM/25.09.2019/3P/7C