



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.22690 of 2019

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Christopher

... Petitioner

vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The District Registrar,
District Registration Office,
Palayamkottai.

3.The Tahsildar,
Eral Taluk Office,
Eral, Thoothukudi District.

4.The Sub-Registrar,
Nazareth Sub Registrar Office,
Nazareth,
Thoothukudi District.

5.The Land Surveyor,
Eral Taluk Office,
Eral,
Thoothukudi District.

6.Selvarani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to consider the representation of the petitioner dated 06.10.2019 made in respect of Sy.No.82/2A2, Nazareth Village, Thoothukudi District to enquire the petitioner before mutation of revenue records within the time stipulated by this Court.

For Petitioner : Ms.J.Sumathi
for Mr.P.M.Vishnuvarthanan
For RR 1 to 5 : Mr.Aayiram K.Selvakumar,
Additional Government Pleader.

ORDER

Ms.J.Sumathi, learned counsel representing
Mr.P.M.Vishnuvarthanan, 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 5.

3. To be noted, sixth respondent 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 sixth respondent (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 5 (official respondents), main writ petition is taken up, heard out and is being disposed of.

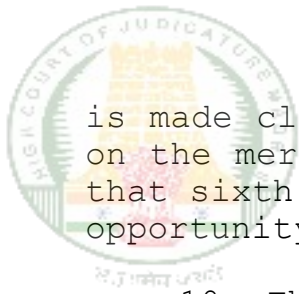
5. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 06.10.2019 wherein writ petitioner has requested certain changes in revenue records.

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 third respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 06.10.2019, details of which have been alluded to supra.

7. Learned State counsel submitted that the third respondent is the authority who shall consider the aforementioned representation dated 06.10.2019 made by the writ petitioner (page Nos.6 to 9 of the typed set of papers forming part of the case file).

8. The aforesaid representation dated 06.10.2019 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 twelve (12) 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 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 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 sixth respondent has to be put on notice and given a reasonable opportunity by the third 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 third 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,
Thoothukudi District,
Thoothukudi.
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Eral,
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- 5.The Land Surveyor,
Eral Taluk Office,
Eral,
Thoothukudi District.



+1 CC to SPL GP (SR-94882[F] dated 30/10/2019)

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ps

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