



THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.10.2019**

CORAM:

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

W.P (MD)No.22770 of 2019

M.Rameshkannan

... Petitioner

/vs./

1.The District Collector,
Karur District, Karur.

2.Dhanalakshmi
3.Selvarani
4.Shanthi
5.Baskaran
6.Srinivasan
7.Mahamuni
8.Pitchaiyammal
9.R.Rasu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to conduct proper enquiry with regard to the genuineness of Patta No.402 dated 22.08.2014 issued true copy for Collector, Karur for the property bearing Survey Nos.381/6 situated at Keelapaguthi Village, Kadavoor Taluk, Karur District by taking appropriate action against the respondents 2 to 9 on the basis of the petitioner's representation made to the 1st respondent dated 26.08.2019.

For Petitioner	: Mr.K.Ashok Kumar Ram
For R-1	: Mr.Aayiram K.Selvakumar
	Additional Government Pleader

ORDER

Mr.K.Ashok Kumar Ram, 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 first respondent.

3. To be noted, respondent Nos.2 to 9 are private respondents. 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 respondents 2 to 9 (private respondents) 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 first respondent (official respondent), main writ petition is taken up, heard out and is being disposed of.

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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 26.08.2019 wherein writ petitioner has made a complaint that UDR patta has been fabricated and manufactured.

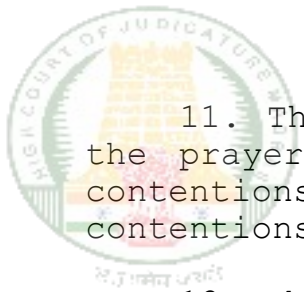
6. Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner (as mentioned supra) abridges the scope of the writ petition and submits that it will suffice if the first respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 26.08.2019, details of which have been alluded to supra.

7. Learned State counsel submitted that the first respondent is the authority who shall consider the aforementioned representation dated 26.08.2019 made by the writ petitioner (page Nos.58 to 60 of the typed set of papers forming part of the case file).

8. The aforesaid representation dated 26.08.2019 shall be disposed of by the first 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 first respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the first 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 Nos.2 to 9 have to be put on notice and given a reasonable opportunity by the first respondent before taking a decision. The authority concerned shall not embark upon any exercise which is within the domain of civil Court jurisdiction.

10. It is made clear that it is open to the first respondent to delegate the task of disposal of the 26.08.2019 representation to any officer subordinate to him but not below the rank of Deputy Collector.



11. 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.

12. The proceeding / order of disposal shall be communicated by the office of the first respondent to the writ petitioner under due acknowledgement within seven (7) working days from the date of completion of aforesaid exercise.

13. 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

The District Collector,
Karur District,
Karur.

+1 CC to M/s.K.ASOK KUMAR RAM, Advocate SR-94530.
+1 CC to SPL GP SR-94886.

Order made in
W.P(MD)No.22770 of 2019

Dated:
25.10.2019

CS(12.11.2019) 3P 4C