



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.11.2019**

CORAM:

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

W.P(MD)No.23227 of 2019

M.Arockiyadoss

... Petitioner

/vs./

1.The District Collector,
Trichy District, Trichy.

2.The Sub Collector / Revenue Divisional Officer,
Trichy District, Trichy.

3.The Tashidar,
Thiruvarambur Taluk Office,
Trichy District.

4.S.Natarajan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 2 and 3 herein to incorporate the petitioner's name and restore the same as earlier in patta No.236 property comprised in Survey No.181/2 Ad-measuring 1 acres 5 cents situated in Arasangudi village, Thiruvarambur Taluk, Trichy District covered by the registered Sale Deeds vide Doc.No.2430 of 2004 dated 30.06.2004 based on the petitioner's representation dated 10.04.2018 and 12.10.2019 and pass final orders on merit and in accordance with law within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.N.Marimuthu
For R-1 to R-3 : Mr.Aayiram K.Selvakumar
Additional Government Pleader

ORDER

Mr.N.Marimuthu, 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 3.

3. To be noted, fourth 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 fourth 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 3 (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 12.10.2019 wherein writ petitioner has sought removal of certain names and inclusion of his name in Patta No.236 pertaining to 'land in S.No.181/2 in Arasangudi Village, Thiruvarambur Taluk, Trichy District admeasuring 1 Acre 60 cents' ('said land' for brevity), which, according to writ petitioner belongs to him.

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 12.10.2019, 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 12.10.2019 made by the writ petitioner (page No.19 to 21 of the typed set of papers forming part of the case file).

8. The aforesaid representation dated 12.10.2019 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 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 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 fourth respondent has to be put on notice and given a reasonable opportunity by the third respondent before taking a decision. The authority concerned shall not embark upon any



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, fourth respondent and others concerned if any 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 (C.O)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Trichy District, Trichy.

2.The Sub Collector / Revenue Divisional Officer,
Trichy District, Trichy.

3.The Tashidar,
Thiruvarambur Taluk Office,
Trichy District.

+1 CC to M/s.N.MARIMUTHU, Advocate SR-96137.

+1 CC to M/s.SPL GP (SR-96355.

**Order made in
W.P(MD)No.23227 of 2019**

**Dated:
05.11.2019**

CS(11.11.2019) 3P 6C