



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.23683 of 2019

C.Palanisamy

... Petitioner

vs.

1.The Revenue Divisional Officer,
Illuppur Revenue Division,
Illuppur,
Pudukottai District.

2.The Tahsildar,
Ponnamaravathi Taluk,
Ponnamaravathi,
Pudukottai District.

3.T.Murugan

... 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 cancel the patta stands in the name of third respondent for the properties comprised in Survey No.614/3 to the extent of 0.3.50 hectares and Survey No.618 to the extent of 2.1.00 hectares and the entire extent of 2.4050 hectares in Karaiyur Village, Ponnamaravathi Taluk, Pudukottai District for Patta No.787, New Patta No.3766 by conducting an enquiry in the light of the first respondent's letter O.Mu.Aa3/5892/2019, dated 22.10.2019 within the time frame fixed by this Court.

For Petitioner : Mr.P.Santhana Krishnan

For RR 1 & 2 : Mr.Aayiram K.Selvakumar,
Additional Government Pleader.

ORDER

Mr.P.Santhana Krishnan, 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 and 2 (official respondents).

3. To be noted, third 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 third 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 writ petitioner and learned Additional Government Pleader, who accepts notice on behalf of respondents 1 and 2 (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 16.10.2019 wherein writ petitioner has sought cancellation of patta which now stands in the name of third respondent.

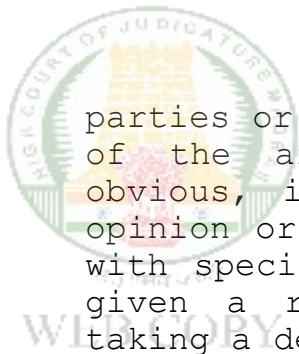
6. Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner (as mentioned supra) abridges the scope of the writ petition and submits that it will suffice if the second respondent is directed to dispose of the aforementioned representation of the writ petitioner dated 16.10.2019 details of which have been alluded to supra.

7. Pursuant to aforesaid representation dated 16.10.2019 which has been given to Revenue Divisional Officer (first respondent), first respondent has sent a memo dated 22.10.2019 bearing Reference Oo.Mu.No.A3/5892/2019 to the second respondent directing the second respondent to enquire into the matter.

8. Learned State counsel submitted that the second respondent is the authority who shall consider the aforementioned representation 16.10.2019 made by the writ petitioner (page Nos.21 to 24 of the typed set of papers forming part of the case file). Learned State Counsel, on instructions, submitted that enquiry proceedings have been commenced and that the same will be concluded as expeditiously as possible.

9. The aforesaid representation dated 16.10.2019 and enquiry proceedings that have been commenced shall be continued and concluded 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.

10. 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



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 third respondent has to be put on notice and given a reasonable opportunity by the second respondent before taking a decision. The authority concerned shall not embark upon any exercise which is within the domain of civil Court jurisdiction.

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 second respondent to the writ petitioner, third respondent and others concerned (if any) 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)

ps

To

1.The Revenue Divisional Officer,
Illuppur Revenue Division,
Illuppur,
Pudukottai District.

2.The Tahsildar,
Ponnamaravathi Taluk,
Ponnamaravathi,
Pudukottai District.

+1 CC to M/s.P.SANTHANA KRISHNAN, Advocate (SR-97216[F] dated 11/11/2019)

+1 CC to M/s.SPL GP (SR-97745[F] dated 12/11/2019)

W.P (MD) No.23683 of 2019

11.11.2019

KK/SAR/27.11.2019/3P-5C/