



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.11.2019**

CORAM:

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

W.P (MD) No.24197 of 2019

WEB COPY

C.Palaniyappan

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District.

2.The District Revenue Officer,
Pudukkottai,
Pudukkottai District.

3.The Revenue Division Officer,
Illuppur,
Pudukkottai District.

4.The Tahsildar,
Ponnamaravathy,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing fourth respondents to issue the join patta in the name of legal heirs of Late Valli namely 1.Palaniyappan (petitioner) and 2.Vengatachalam, 3.Vellaiyammal 4.Selvi and 5.Alagu and to make necessary entries in all revenue records in respect of property comprised in Survey No.169/5, to an extent of 27.00 ares situated at East Ponnamaravathy Village, Pudukkottai District in the light of the representations of the petitioner dated 01.11.2019 within a time frame as fixed by this Court.

For Petitioner : Ms.S.Priyanka
for Mr.S.Alagusundar

For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader

ORDER

Ms.S.Priyanka, learned Counsel on record for writ petitioner and Mr.Aayiram K.Selvakumar, learned Additional Government Pleader who accepts notice on behalf of four respondents are before this Court.



2. With consent of both sides, main writ petition is taken up, heard out and is being disposed of.

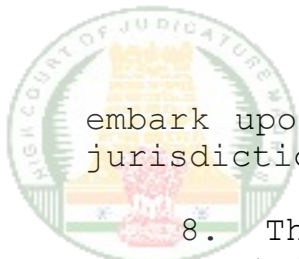
3. Instant main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 26.09.2019 wherein writ petitioner has sought certain revenue entries. To be noted, the prayer in the writ petition refers to representation dated 01.11.2019 and the writ petition has been filed on 13.11.2019. In this regard, it is submitted by learned State Counsel, on instructions that 01.11.2019 representation was received by the fourth respondent only on 04.11.2019. Therefore, this Court is convinced that it cannot be gainsaid that there is inaction on the part of the fourth respondent qua 01.11.2019 representation. In any event, this pertains to joint patta plea and writ petitioner is now restricting prayer to 26.09.2019 representation at page No.9 of the typed set of papers forming part of the case file. However, writ petitioner has also sent an earlier representation dated 26.09.2019 and has produced postal acknowledgement to show that the same has been received by the fourth respondent on 27.09.2019.

4. Notwithstanding several averments/ grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner abridges the scope of instant writ petition / prayer in instant writ petition and submits that it will suffice if fourth respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 26.09.2019, details of which have been alluded to supra.

5. Learned State counsel submitted that fourth respondent is the authority who shall consider the aforementioned representation dated 26.09.2019 made by the writ petitioner (page No.9 of the typed set of papers forming part of the case file).

6. The aforesaid representation dated 26.09.2019 shall be disposed of by fourth 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.

7. It is made clear that in the course of the representation being considered by fourth respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, fourth 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. The authority concerned shall not



embark upon any exercise which is within the domain of civil Court jurisdiction.

8. The proceeding / order of disposal of aforementioned representation shall be communicated by the office of fourth respondent to the writ petitioner and others concerned if any under due acknowledgement within seven (7) working days from the completion of aforesaid exercise, ie., seven days from date of disposal.

9. Instant Writ Petition is disposed of with the above directions. There shall be no order as to costs.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

Sub Assistant Registrar(CS)

SSL

To

- 1.The District Collector,
Pudukkottai District.
- 2.The District Revenue Officer,
Pudukkottai,
Pudukkottai District.
- 3.The Revenue Division Officer,
Illuppur,
Pudukkottai District.
- 4.The Tahsildar,
Ponnamaravathy,
Pudukkottai District.

+1CC TO MR.S.ALAGU SUNDAR, Advocate Sr. No.99102
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 99008

W.P(MD)No.24197 of 2019
15.11.2019

KG(CO)

TR(04.12.2019)3P 7C