



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.11.2019**

CORAM:

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

W.P(MD)No.24339 of 2019

and

W.M.P(MD)No.20960 of 2019

P.Aandisamy

... Petitioner

/vs./

1.The District Collector,
The Collectorate,
Dindigul District.

2.The Revenue Divisional Officer,
Dindigul Revenue Divisional Office,
Dindigul District.

3.The Tahsildar,
Nilakottai Taluk Office,
Dindigul District.

4.The Block Development Officer,
Nilakottai Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents not to disposses the petitioner from the land of 2C patta (Tree Patta) situated in Survey No.501/4, Kaminayakanpatti, Jumbudurai Kottai Village, Nilakottai Taluk, Dindigul District without following due process of law by considering the representation dated 24.10.2019., mad by the petitioner within the time stipulated by this Court.

For Petitioner : Mr.I.Pinaygash

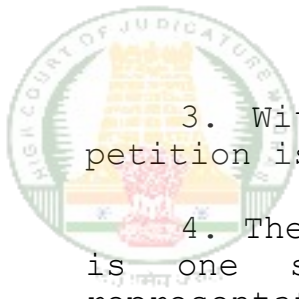
For Respondents : Mr.K.Mu.Muthu

Additional Government Pleader

ORDER

Mr.I.Pinaygash, learned counsel on record for writ petitioner is before this Court.

2. Mr.K.Mu.Muthu, learned Additional Government Pleader, accepts notice on behalf of all four respondents.



3. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

4. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 24.10.2019 wherein writ petitioner has made a plea regarding some privilege said to have been given to him under 'Board Standing Order' ('BSO' for brevity) being BSO 18 captioned 'Scattered Trees and Topes.'

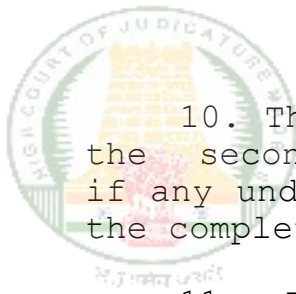
5. Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner abridges the scope of the writ petition and submits that it will suffice if the second respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 24.10.2019, details of which have been alluded to supra.

6. Learned State counsel submitted that the second respondent is the authority who shall consider the aforementioned representation dated 24.10.2019 made by the writ petitioner (page Nos.14 and 15 of the typed set of papers forming part of the case file).

7. To be noted, pursuant to writ petitioner's representation dated 24.10.2019, first respondent vide communication dated 30.10.2019 bearing reference Oo.Mu.No.28637/2019/E3 has forwarded the representation to the jurisdictional 'Revenue Divisional Officer' ('RDO' for brevity) with a directive to dispose of aforementioned representation and communicate the disposal to the writ petitioner.

8. The aforesaid representation dated 24.10.2019 shall be disposed of 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.

9. 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 give reasonable opportunity to such third party / parties or any other third party entity / entities, before disposing of the aforementioned writ petitioner's representation. The authority concerned ie., second respondent shall not embark upon any exercise which is within the domain of civil Court jurisdiction. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter.



10. The proceeding / order of disposal shall be communicated by the second respondent to the writ petitioner and others concerned if any under due acknowledgement within seven (7) working days from the completion of aforesaid exercise.

11. Instant Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The District Collector,
The Collectorate,
Dindigul District.
- 2.The Revenue Divisional Officer,
Dindigul Revenue Divisional Office,
Dindigul District.
- 3.The Tahsildar,
Nilakottai Taluk Office,
Dindigul District.
- 4.The Block Development Officer,
Nilakottai Taluk,
Dindigul District.

+1 CC to M/s.I.PINAYGASH, Advocate (SR-100442[F] dated 22/11/2019)
+1 CC to M/s.Special Government Pleader (SR-100576[F] 22/11/2019)

Order made in
W.P(MD)No.24339 of 2019

Dated:
21.11.2019

sm

SDS (12.12.2019) 3P 7C