



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.24823 of 2019

Subbiah

... Petitioner

Vs.

The Tahsildar,
Taluk Officer,
Nilakottai Taluk,
Dindigul District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondent herein to transfer and issue patta in the name of the petitioner in respect of the petitioner's land in Survey No.126/1 to an extent of 1 acre 33 and a half cents out of total extent of 1.99 acres situate in Patchamalaiyankottai Village, Nilakottai Taluk, Dindigul District in the light of petitioner application for transfer of patta dated 21.08.2019 within a stipulated time as fixed by this Court.

For Petitioner : Mr.R.Thangapandian

For Respondent : Mr.B.Bhagawathi,
Government Advocate.

ORDER

Mr.R.Thangapandian, learned counsel on record for writ petitioner and Mr.B.Bhagawathi, learned Government Advocate, who accepts notice on behalf of sole respondent are before this Court.

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

3. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 21.08.2019 wherein writ petitioner has made a plea for issue of patta.

4. 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 respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 21.08.2019, details of which have been alluded to supra.

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5. Learned State counsel submitted that the respondent is the authority who shall consider the aforementioned representation dated 21.08.2019 made by the writ petitioner (page No.12 of the typed set of papers forming part of the case file).

6. The aforesaid representation dated 21.08.2019 shall be disposed of by the 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 the respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the 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. 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. It is open to sole respondent to call for necessary documents for disposal of representation and writ petitioner undertakes to produce those documents when called for.

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

10. Instant Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



To

The Tahsildar,
Taluk Officer,
Nilakottai Taluk,
Dindigul District.

+1 CC to M/s.R.THANGAPANDIAN, Advocate (SR-100531[F] dated
22/11/2019)

+1 CC to M/s.SPL GP (SR-101118[F] dated 25/11/2019)

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22.11.2019

JMN(05.12.2019) 3P : 4C