



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.11.2019**

CORAM:

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

W.P(MD)No.25223 of 2019

Innasi

... Petitioner

/vs./

1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

2.The Tahsildar, Taluk Office, Manapparai.

3.Soosaimanickam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 06.06.2019 and 03.07.2019 given to the 2nd respondent and to the 1st respondent respectively.

For Petitioner	: Ms.Dinesh Deepa for Mr.T.M.Madasamy
For R-1 & R-2	: Mr.K.Mu.Muthu Additional Government Pleader

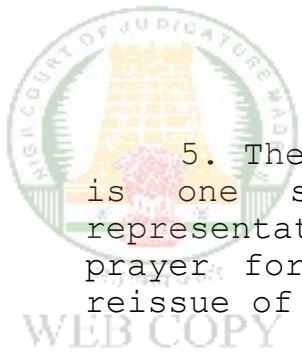
ORDER

Ms.Dinesh Deepa, learned counsel representing the counsel on record for writ petitioner is before this Court.

2. Mr.K.Mu.Muthu , learned Additional Government Pleader, accepts notice on behalf of respondents 1 and 2.

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 appearing for the 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 dated 06.06.2019 wherein writ petitioner has made a prayer for cancellation of patta in third respondent's name and reissue of joint patta.

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 06.06.2019, details of which have been alluded to supra.

7. Learned State counsel submitted that the second respondent is the authority who shall consider the aforementioned representation dated 06.06.2019 made by the writ petitioner (page No.1 of the typed set of papers forming part of the case file).

8. The aforesaid representation dated 06.06.2019 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 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 third respondent has to be put on notice and given a reasonable opportunity by the second respondent before taking a decision. The authority concerned ie., second respondent shall not embark upon any exercise which is within the domain of civil Court jurisdiction.

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 second respondent to the writ petitioner, third respondent and others concerned if any under due acknowledgement within seven (7) days from the date of completion of aforesaid exercise.



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

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// True Copy //

Sd/-

Assistant Registrar (CS-II)

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

2.The Tahsildar,
Taluk Office, Manapparai.

+1 CC to Mr.T.M. MADASAMY, Advocate (SR-101690[F] dated
27/11/2019)

+1 CC to SPL GP (SR-102387[F] dated 28/11/2019)

Order made in
W.P(MD)No.25223 of 2019
27.11.2019

VB(30.12.2019) 3P 5C