



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.25321 of 2019

V.Radhakrishnan

... Petitioner

Vs.

1.The Tahsildar,
Palayamkottai Taluk,
Tirunelveli District.

2.P.Ganesh Kumar

3.Pitchaiya

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first respondent to complete the enquiry on the petitioner's online application dated 11.10.2019 and pass orders by issuing patta as per Section 14 of the Tamil Nadu Patta Pass Book Act, 1983 to the petitioner in respect of T.S.No.2/2 in Ward - AU, Block - 11, Melapalayam Town, Palayamkottai Taluk, Tirunelveli District within the time fixed by this Court.

For Petitioner : Mr.H.Arumugam

For R - 1 : Mr.B.Bhagawathi,
Government Advocate.

ORDER

Mr.H.Arumugam, learned counsel on record for writ petitioner is before this Court.

2.Mr.B.Bhagawathi, learned Government Advocate, accepts notice on behalf of first respondent (official respondent).

3.To be noted, second and third respondents are private respondents. In the hearing, learned counsel for writ petitioner restricts the prayer to disposal of application. From the abridged prayer it comes to light that an order, which is not adverse to second and third respondents (private respondents) 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 Government Advocate, who accepts notice on behalf of first respondent (official respondent), 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 application dated 11.10.2019 wherein writ petitioner has sought issuance of patta in accordance with Section 14 of The Patta Pass Book Act, 1983 (Tamil Nadu Act 4 of 1986) pursuant to Judgment and Decree dated 17.09.2018 in O.S.No.131 of 2011 on the file of Principal District Munsif Court, Tirunelveli.

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 first respondent is directed to dispose of the aforementioned application of the writ petitioner, dated 11.10.2019, details of which have been alluded to supra.

7. Learned State counsel submitted that the first respondent is the authority who shall consider the aforementioned application dated 11.10.2019 made by the writ petitioner (page No.20 of the typed set of papers forming part of the case file).

8. The aforesaid application dated 11.10.2019 shall be disposed of by the first 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 application being considered by the first respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the first 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 application. 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 second and third respondents have to be put on notice and given a reasonable opportunity by the first respondent before taking a decision. The authority concerned ie., first 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 first respondent to the writ petitioner, second and third respondents and others concerned if any under due acknowledgement within seven (7) working days from the date of completion of aforesaid exercise.

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

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

The Tahsildar,
Palayamkottai Taluk,
Tirunelveli District.

+1 CC to M/s.H. ARUMUGAM, Advocate (SR-102611[F] dated 29/11/2019)

+1 CC to M/s.Special Govt. Pleader (SR-102680[F] dated 29/11/2019)

W.P(MD)No.25321 of 2019
28.11.2019

ps

SDS (16.12.2019) 3P 4C