

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.M.P.No.12652 of 2021

in

W.P.No.7030 of 2014

K.Rajendran

.. Petitioner

-VS-

1.The Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai-600 005.

2.The District Revenue Officer,
Salem District, Salem.

3.The Revenue Divisional Officer,
Attur, Salem District.

4.The Tahsildar,
Gangavalli Taluk,
Salem District.

5.Pitchaipillai @ Pitchamuthu
S/o.Muthusamy Gounder

6.Thavamani,
S/o.Rengasamy

.. Respondents

Petition filed under Article 226 of the Constitution of India to modify the order in W.P.No.7030 of 2014 dated 01.11.2018 by way of deleting the irrelevant paragraph appeared in paragraphs 3 and 4 and direct the fourth respondent to dispose of the representation dated 05.07.2013 of the petitioner within a time frame as may be fixed by this Court.

For Petitioner : Mr.V.Murugesan,
For M/s.P.Ambikapathi
For RR1 to 4 : Mr.V.Nanmaran,
Government Advocate

ORDER

This modification petition is filed to delete Paragraph Nos.3 and 4 of the order passed in W.P.No.7030 of 2014 dated 01.11.2018 and direct the fourth respondent to dispose of the representation dated 05.07.2013.

2.The petitioner is of an opinion that Paragraph Nos.3 and 4 of the order are irrelevant.

3.Perusal of Paragraph Nos.3 and 4 would reveal that Paragraph No.3 is the submission made by the learned Government Advocate for

respondents 1 to 4 and the said submission was made relying on the counter affidavit filed by the third respondent in W.P.No.7029 of 2014. Paragraph No.4 is also based on the submissions made by the learned Government Advocate.

4.This Court, while directing the respondents to conduct an enquiry based on the revenue records and take a decision and pass orders, has made certain observations with reference to the submissions made by the learned Government Advocate, which have certain relevance regarding the claim of the writ petitioner. Therefore, the submission of the learned counsel for the petitioner that this Court should direct the fourth respondent to dispose of the representation dated 05.07.2013 cannot be considered, in view of the fact that disposal of the representation requires an adjudication in this case, as the subject matter involves scrutinization of revenue records.

5.The writ petitions, to dispose of the representation, are filed in a routine manner and such orders granted by the High Court with such observations are taken undue advantage by the parties concerned.

Therefore, Paragraph Nos.3 and 4 are relevant, as far as the submissions made by the learned Government Advocate are concerned and therefore, the very relief sought for in the present writ miscellaneous petition to modify the order dated 01.11.2018 is not based on any acceptable grounds.

Accordingly, this writ miscellaneous petition stands dismissed.

28.06.2021

Index : Yes
Speaking Order

abr

To

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S.M.SUBRAMANIAM, J.

(abr)



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