

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

**W.P. No. 16064 of 2018 and
W.M.P. No. 19088 of 2018**

Jeevanantham

... Petitioner

-VS-

1. The District Collector,
Saram Puducherry,
Pudhucherry State.
2. The Deputy Collector (South),
Villianur,
Puducherry State.
3. The District Registrar (Registration),
Saram Puducherry,
Puducherry State.
4. The Settlement Tashildar,
Saram Puducherry,
Puducherry State.
5. The Thasildar,
Bahoor Taluk,
Puducherry,
Puducherry State.

6. Gobikrishnan Reddiyar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents 1 to 5 to consider the representation of the petitioner dated 21.06.2018 in accordance with law and remove the name of the sixth respondent in the Settlement Patta dated 21.09.2015 by restraining / forbearing the bearing Survey No.333 TER/1 and 333 TER/2/1 situated at No.72, Kirumampakkam Village, Bahoor Commune, Puducherry State.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.Nambiselvam
Addl. Govt. Pleader (Puducherry)
for R1 to R5

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the first to fifth respondents to consider the representation of the petitioner dated 21.06.2018 in accordance with law and remove the name of the sixth respondent in the Settlement Patta dated 21.09.2015 by restraining / forbearing the bearing Survey No.333 TER/1 and 333 TER/2/1 situated at No.72, Kirumampakkam Village, Bahoor Commune, Puducherry State.

2. The petitioner in respect of land at Survey No.333 TER/1 and 333 TER/2/1 situated at No.72, Kirumampakkam Village, Bahoor Commune, Puducherry had given a representation to the respondents especially the fourth and fifth respondents on 21.06.2018 to decide the issue raised therein by giving an opportunity of being heard to both the petitioner as well as the sixth respondent. As against the sixth respondent only, the said representation was given in respect of the land in question which claimed to be the Panchami land.

3. Since no such orders have been passed and no disposal have been made on the representation of the petitioner dated 21.06.2018, the petitioner has approached this Court by filing the present Writ Petition with the aforesaid prayer.

4. Heard Mr.R.Sankarasubbu, learned counsel appearing for the petitioner, who, by retreating the aforesaid facts, seeks indulgence of this Court to give a direction by way of mandamus to the official respondents especially the fourth respondent to decide the representation of the

petitioner dated 21.06.2018 and pass orders thereon on merits and in accordance with law within a time frame that may be stipulated by this Court and in that case, he would be satisfied.

5. On the other hand, Mr.Nambiselyam, learned Additional Government Pleader appearing for the official respondents would submit that, if at all, the representation of the petitioner dated 21.06.2018 is yet to be disposed of by the respondents especially the fourth respondent, the same would be decided on merits, of course by giving an opportunity of being heard to both the petitioner as well as the sixth respondent within a time frame.

6. There is no representation for the sixth respondent.

7. I have considered the said submissions made by the parties and have perused the materials placed before this Court.

8. In view of the said stand taken by the official respondents as well as the learned counsel appearing for the petitioner and by taking into account the innocuous nature of the prayer sought for herein, where, a direction is sought for to decide the representation of the petitioner dated 21.06.2018 on merits within a time frame, this Court is inclined to dispose of the Writ Petition with the following orders:

"That there shall be a direction to the fourth respondent to decide the representation of the petitioner dated 21.06.2018 on merits and in accordance with law of course after giving an opportunity of being heard to both the petitioner as well as the sixth respondent and accordingly, pass final orders thereon within a period of six weeks from the date of receipt of a copy of this order"

9. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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Index: Yes/No
Speaking Order: Yes/No
vji

To

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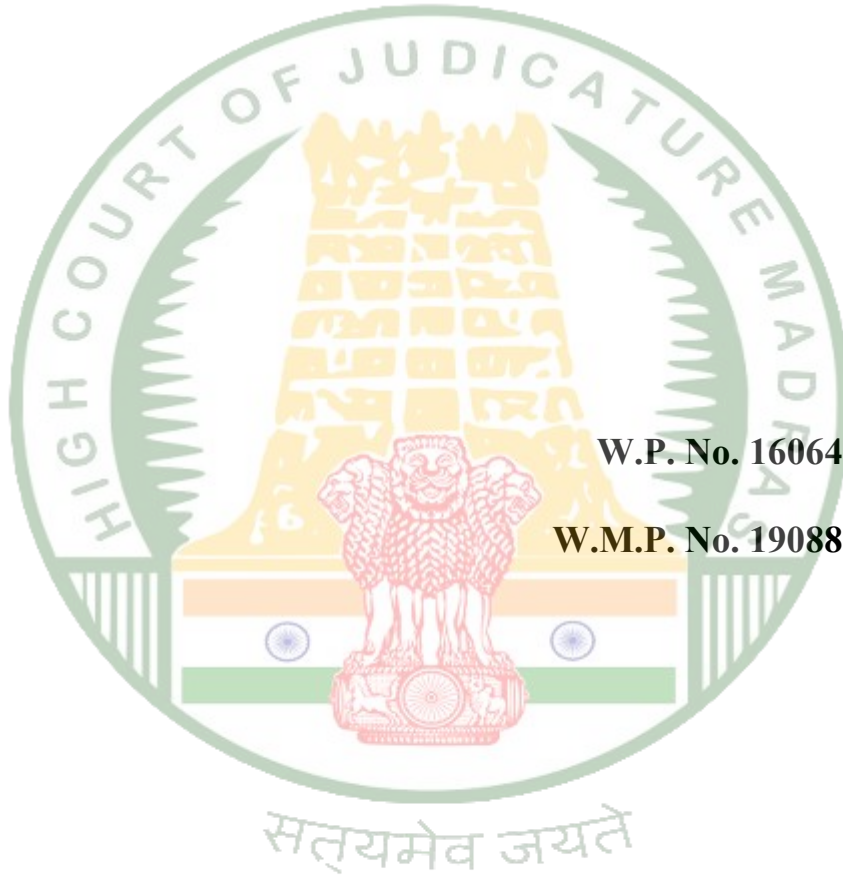


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R. SURESH KUMAR, J.

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