



W.P.(MD)No.13500 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13500 of 2022

and

W.M.P(MD)No.9596 of 2022

A.Suyambu

... Petitioner

Vs

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

3.The Tahsildar,
Vilathikulam,
Thoothukudi District.

4.M.Anthonisamy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 1 to 3 from grant of patta in favour of the fourth respondent and others in S.No.242/1B, in an extent of 7 Acres 50 Cents situated at Vembar Village, Vilathikulam Taluk, Thoothukkudi District without considering the objection given by the petitioner, dated 03.02.2022 which was submitted on the basis of order passed



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by this Court in W.P(MD)No.805 of 2022, dated 20.01.2022 within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R.1 to R.3

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3.

2. The grievance of the petitioner is that the third respondent is proceeding ahead with the enquiry even without considering his objections.

3. The learned counsel draws my attention to the order dated W.P(MD)No.805 of 2022. The said writ petition was disposed of in the following terms:

“5. Either way, the choice is left to the petitioner to attend the inquiry pursuant to notice issued by the third respondent. He may attend the inquiry or he may not attend the inquiry, but a Writ in the nature of Mandamus seeking relief as sought for cannot be granted, since it is for that very purpose, the inquiry had been initiated by the third respondent. Pending that inquiry, no order can be passed.



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The matters are within the exclusive jurisdiction of the third respondent and it is his privilege to pass any order in accordance with law and considering the objections of the petitioner provided the petitioner appears and participates in the inquiry process.”

4. The grievance of the petitioner is that the direction given by this Court has not at all been complied with the third respondent. I do not find any substance in the writ petitioner's apprehension. Only if the final order is passed by the third respondent, one can know if the petitioner's objections were considered or not. If the third respondent has not acted in compliance with this Court's earlier direction or if the petitioner's objections have not been considered, on those grounds, the petitioner can very well question the order that may be passed by the third respondent. The petitioner has come to the Court at a premature stage. Leaving open the petitioner's rights, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

29.06.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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To

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
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- 3.The Tahsildar,
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