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W.A.No.1834 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.A.No.1834 of 2024

S.Sundaravadivel

...Appellant

Vs.

1.The Sub-Collector,
Mettur, Salem District.

2.The Tahsildar,
Omalur Taluk,
Salem District.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order made in W.M.P.No.19379 of 2023 in W.P.No.6299 of 2023 dated 27.03.2024.

For Appellant	:	Mr.T.Kishorekumar
For Respondents	:	Mr.A.Selvendran, Special Government Pleader



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J U D G M E N T

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(Judgment of the Court was made by **R.SUBRAMANIAN, J.**)

Mr.A.Selvendran, learned Special Government Pleader takes notice for the respondents.

2. With the consent of the learned counsel on both sides, the writ appeal itself is taken up for disposal.

3. The appellant sought for a Writ of Mandamus directing the respondents to consider his application for grant of patta in respect of an extent of 5859 sq.f. of land situate in Old S.No.171/2, New S.No.347/25 of Tharamangalam Village. The writ petition came to be allowed on 03.03.2023 and the operative portion of the order reads as follows:-

5. Considering the said submission made by the learned Government Advocate for the respondents, this Court directs the 2nd respondent to consider the application of the petitioner dated 30.09.2022 and pass orders thereon on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.



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4. However, the appellant subsequently realized that the name of the village was typed as Monagabadi instead of Tharamangalam, hence he sought for amendment of the prayer in the writ petition and a consequential amendment of the order. The writ Court dismissed the application on the ground that it does not appear to be a typographical error.

5. No doubt, we find some negligence on the part of the appellant in filing the writ petition with a different village name. These mistakes occur due to development of technology, where the lawyers adopt cut and paste options in their computer, while drafting the writ petitions. We will also have to adjust to the technology and learn to live with it. We do not find any intentional commission or omission on the part of the learned counsel or the appellant.

6. Hence, this writ appeal stands **allowed**, the order of the writ Court dismissing the amendment application is set aside. The petition in W.M.P.No.19379 of 2023 will stand allowed. The name of the village will



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stand amended as Tharamangalam instead of Monagabadi. The Registry is directed to issue amended copy of the order. In view of the fact that considerable time has lapsed, the time granted by the writ Court to dispose of the representation vide order dated 03.03.2023 is extended for a period of six (6) weeks from the date of receipt of a copy of the amended order. No costs.

(R.S.M., J.) (R.S.V., J.)
04.07.2024

dsa
Index : No
Internet : Yes
Neutral Citation : No
Speaking order



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To:-

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R.SUBRAMANIAN, J.
and
R.SAKTHIVEL, J.

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