



W.M.P.(MD). No.15688 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Monday, the Fifth day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

W.M.P.(MD). No.15688 of 2024

in

W.P.(MD).No.9875 of 2024

M.Ganesan

... Petitioner

Vs.

1. G.Murugan

2. The Thasildar

Periyakulam Taluk,

Periyakulam,

Theni District.

... Respondents

Prayer in W.M.P.(MD). No.15688 of 2024 :-

Writ Miscellaneous Petition filed under Article 226 of Constitution of India praying for recall the earlier order passed in W.P.(MD).No.9875 of 2024 dated 25.04.2024 and thus render justice

Prayer in W.P.(MD).No.9875 of 2024 :-

Writ Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to dispose the petitioner's Online application No. 2024/0105/25/154137, dated 09.02.2024 praying for issuance of the Patta in respect of his landed property measuring an extent of 15 1/2 cents comprised in Survey No. 2199 / 2B1 situated at Kenguvarpatti,



W.M.P.(MD). No.15688 of 2024

Periyakulam Taluk, Theni District, after affording sufficient opportunity to the second respondent within the time stipulated by this Court for other reliefs.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s. W.Pamelin, Advocate for the Petitioner and of M/s. J.Lawrance, Advocate for respondent No.1 and M/s.K.Balasubramani, Special Government Pleader, for respondent No.2, this Court made the following order:

"Heard both sides.

2. This WMP has been filed for recalling the order made in W.P.(MD)No.9875 of 2024. By the said order, I had called upon the jurisdictional Tahsildar, Periyakulam Taluk to consider the application given by Thiru.Murugan for issuance of patta.

3. Paragraph No.2 of the order reads thus:-

“ The first respondent is directed to consider the petition-mentioned representation and pass final order on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. The first respondent will put on notice all the interested parties including the private respondent herein before passing final order. I make it clear that I have not gone into the merits of



W.M.P.(MD). No.15688 of 2024

WEB COPY

the matter. It is open to the first respondent to pass order one way or the other."

4. I wanted to know from the learned counsel for the petitioner in this WMP as to why this recall petition has been filed when I had not gone into the merits of the matter. The learned counsel replied that the jurisdictional Tahsildar Periyakulam Taluk appears to have told Thiru.M.Ganesan that if the order dated 25.04.2024 made in W.P.(MD)No.9875 of 2024 is not recalled, patta will be issued.

5. I make it clear once again that I had not gone into the merits of the matter and that it is the duty of the jurisdictional Tahsildar, Periyakulam to consider the objections of Thiru.M.Ganesan before passing final order. The order dated 25.04.2024 in W.P.(MD)No.9875 of 2024 has nudged the Tahsildar, Periyakulam to dispose of Thiru.M.Murugan's application and nothing more. The merits of the matter have not been touched.

6. With these observations, this petition is disposed of."

Sd/-

Assistant Registrar (C.S.I)

// True Copy //

06/08/2024

Sub Assistant Registrar
(CS-I , II , III, IV)



W.M.P.(MD). No.15688 of 2024

TO
WEB COPY

The Thasildar,
Periyakulam Taluk,
Periyakulam,
Theni District.

Copy to:

The Section Officer,
Writ Section,
Madurai Bench of Madras High Court,
Madurai.

+1CC to M/s.W.Pamelin, Advocate in SR.No.40968
+1CC to Special Government Pleader in SR.No.41503



WEB COPY



W.M.P.(MD). No.15688 of 2024

ORDER DATED : 05/08/2024

=====
ORDER
=====

W.M.P.(MD). No.15688 of 2024
in
W.P.(MD).No.9875 of 2024

Giving direction and etc.
as stated within.

SL(06.08.2024)/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.