



W.P(MD)No.21070 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD)No.21070 of 2024

and

W.M.P(MD)No.17860 of 2024

1.Thangarasu

2.T.Vennila

... Petitioners

Vs.

1.The District Collector,
Pudukottai District.

2.The District Revenue Officer,
Pudukottai District.

3.The Tahsildar,
Alangudi Taluk,
Pudukottai District.

4.The District Manager (TASMAC),
Tamil Nadu State Marketing Company,
Pudukottai District.

5.Muthukumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the first respondent from granting approval for running TASMAC recreational bar in S.No.



W.P(MD)No.21070 of 2024

146/7A2A which is not in existence and cancelled by the second respondent for effecting fresh subdivision in S.No.146/7A2 in Alangudi Village and Taluk, Pudukottai District.

For Petitioners : Mr.R.Suriya Narayanan
For R-1 to R-3 : Mr.R.Suresh Kumar
Additional Government Pleader
For R-4 : Mr.H.Arumugam

ORDER

The present Writ Petition is filed for Mandamus seeking a direction to forbear the first respondent from granting approval for running TASMAR recreational bar in S.No.146/7A2A.

2. In view of the limited relief prayed for and proposed to be granted in the light of facts brought to the notice of this Court, notice to the fifth respondent is dispensed with.

3. It was submitted by the learned counsel for the petitioners that the first petitioner purchased a land in S.No.146/7A in Alangudi Village under Document No.1362/2006, dated 29.06.2006 and sold the same to the fifth respondent vide sale deed bearing document No.153 of 2021, dated 20.01.2021.



W.P(MD)No.21070 of 2024

After the purchase, the fifth respondent made an application for subdivision which was effected. When preparing the FMB sketch, the extent was wrongly shown as 0.17.64 acres instead of 0.17.14 acres. Taking advantage of the said error the fifth respondent is stated to be attempting to obtain a license to run a TASMAL shop in the land belonging to the first petitioner, in which, presently a Petrol Bunk is run by the petitioners. The second petitioner thus filed a writ petition in W.P(MD)No.4740 of 2023 seeking direction to rectify the error in the FMB sketch and the same was disposed of on 03.03.2023 by directing the second respondent to dispose of the representation of the petitioner. Pursuant to the same, the second respondent conducted an enquiry and passed an order, dated 04.04.2024, cancelling existing sub division in S.No.146/7A2A and directed the third respondent to effect a fresh sub-division in accordance with the sale deed bearing document No.153/2021, dated 20.01.2021. It is stated that the third respondent is in the process of making sub division of the property according to the sale deed, dated 20.01.2021. Hence, the petitioner submitted a representation dated 27.04.2024 to the official respondents seeking to forbear from granting approval for running TASMAL recreational bar in S.No. 146/7A2A which is a result of error which crept in while making the sub-



W.P(MD)No.21070 of 2024

division of S.No.146/7A. Since the said representation was not considered, the present Writ Petition is filed.

4. It was submitted by the learned Additional Government Pleader for the respondents that the petitioner's representation would be considered and orders would be passed in accordance with law after putting the petitioner, fifth respondent and any other stakeholders / interested parties on notice within a period of four weeks, which was accepted by the learned counsel for the petitioner.

5. In view of the same, taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the respondents 1 to 3 herein to consider the petitioner's representation dated 27.04.2024, on its own merits and pass appropriate orders in accordance with law, after affording reasonable opportunity of hearing to the petitioner, the fifth respondent and any other interested persons/stake holders, within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any views with regard to the merits of the representation and it is open to the concerned respondent to consider the representation on its own merits and in accordance with law.



W.P(MD)No.21070 of 2024

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6. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

04.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

- 1.The District Collector,
Pudukottai District.
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W.P(MD)No.21070 of 2024

MOHAMMED SHAFFIQ, J.

BTR

W.P(MD)No.21070 of 2024

04.09.2024