

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.8775/2015

S.Mahalakshmi

... Petitioner

Versus

1. The District Collector,
Salem.
2. The District Revenue Officer,
Salem.
3. The Revenue Divisional Officer,
Mettur Taluk, Salem.
4. The Tahsildar,
Omalur Taluk, Salem.
5. The Assistant Director,
Survey and Land Records,
Salem District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the 1st respondent to give necessary directions to the respondents 2 to 5 for submitting the inspection report relating to the land in Survey No.30/1 to an extent of 1.90 acres and Survey No.69/2A2B to an extent of 3.76 acres situate at Kottagoundampatty Village, Omalur Taluk, Salem District and consequently direct the 1st respondent to dispose the Appeal filed by the unknown person dated 07.05.2012 relating to the above said survey numbers.

For Petitioner : Ms.A.Lilly Victoria

For Respondents : Mr.R.Vijayakumar, AGP

ORDER

Heard Ms.A.Lilly Victoria, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents and with their consent, the writ petition is disposed of at the admission stage itself.

2.The petitioner has filed this writ petition to give necessary direction to the respondents 2 to 5 to submit the inspection report relating to lands in Survey No.30/1 to an extent of 1.90 acres and Survey No.69/2A2B to an extent of 3.76 acres situate at Kottagoundampatty Village, Omalur Taluk, Salem District and to direct the 1st respondent to dispose of the appeal dated 07.05.2012.

3.Though such a prayer has been made, the learned counsel for the petitioner submitted that certain unknown parties who are third persons to the proceedings, are said to have preferred 62 appeal petitions on 07.05.2012 before the 3rd respondent, against the grant of patta. The petitioner does not have the copies of those appeal petitions and she came to know about the pendency of these appeals only from the proceedings of the Assistant Commissioner/Executive Officer dated 06.06.2013 of Arulmigu Suvaneswar Temple, Salem District, which is a temple coming under the purview of the Hindu Religious and Charitable Endowment Department.

4.By the said proceedings, the Assistant Commissioner/Executive Officer, HR & CE Department, of the Temple has addressed the Sub Registrar, Omalur calling upon him not to entertain any document for registration in respect of lands in survey No.207/2. Earlier, the petitioner approached this Court and filed a writ petition in W.P.No.20430 of 2014 praying for issuance of a writ of mandamus to give necessary direction to the Surveyor, Salem District to demarcate the property bearing in survey No.30/1 to the extent of 1.90 acres at Kottagoundampatty Village, Omalur Taluk, Salem District. The said writ petition was disposed of by order dated 01.08.2014, directing the respondents namely the Tahsilar and the Surveyor to consider the representation.

5.In the light of the relief sought for by the petitioner, the petitioner should first submit a representation to the 3rd respondent, clearly indicating as to how her rights has been affected on account of the pendency of the appeals dated 07.05.2012. Furthermore, the petitioner states that she is not aware of the names of the appellants.

6.In the light of the above, there will be a direction to the petitioner to submit a detailed representation to the 3rd respondent, setting out her grievances and if such representation is submitted, the 3rd respondent shall consider the same on merits and in accordance with law, after notice to the petitioners and to all other persons who are aggrieved and thereafter, pass orders within a period of four months from the date of receipt of a copy of this order.

7.The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

AP/gya

To

1. The District Collector,
Salem.
2. The District Revenue Officer,
Salem.
3. The Revenue Divisional Officer,
Mettur Taluk, Salem.
4. The Tahsildar,
Omalur Taluk, Salem.
5. The Assistant Director,
Survey and Land Records,
Salem District.

+1cc to Mrs.A.Lilly Victoria, Advocate, S.R.No.17651

+1cc to the Government Pleader, S.R.No.17938

EV(CO)
CA(10/04/2015)

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