



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2015

Coram

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P. (MD).No.14976 of 2015

WEB COPY

Muthusamy

:Petitioner

vs.

1.The Revenue Divisional Officer,
Srirangam Division, Trichy District.

2.The Tahsildar,
Srirangam Taluk, Trichy District.

3.Arulmighu Thaumanaswami Temple,
Rep.by its Joint Commissioner / Executive Officer,
Thayumanaswamy Temple,
Rockfort Temple, Trichy.

: Respondents

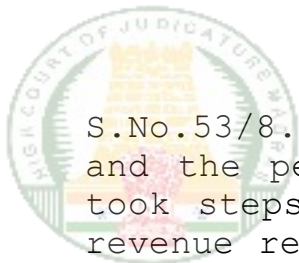
Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, directing the 2nd respondent to complete the enquiry initiated in Na.Ka.A2/11915/2014, dated 09.03.2015.

For Petitioner : Mr.K.Prabhakar
For Respondent : Mr.M.Murugan
Govt.Advocate

ORDER

The Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the 2nd respondent to complete the enquiry initiated in Na.Ka.A2/11915/2014, dated 09.03.2015.

2. The case of the petitioner is that the land measuring to an extent of 1.09 Acre, comprised in S.No.53/8 of Maruthandakurichi Village, Srirangam Taluk, Trichy District, originally belonged to one Marudhai Ekali, who in turn, sold the property, by a registered sale deed in Doc.No.2208/1935, to one Duraisamy Gounder. The said Duraisamy Gounder and his sons have sold an extent of 1.04 Acres alone to Palaniyayi Ammal, who is the petitioner's paternal grandmother, by a registered sale deed in Doc.No.999/1942. The said Palaniyayi Ammal and her daughters have executed a registered release deed in Doc.No.2565/1943, in favour of her husband Muthusamy and sons Natesan and Pitchaimuthu. After the death of petitioner's grandmother, Muthusamy, and uncle Natesan, the legal heirs of Natesan had executed a registered release deed in Doc.No.1211/1991, in favour of petitioner's father Pitchaimuthu. Therefore, the said Pitchaimuthu became the absolute owner of the land measuring to an extent of 1.04 Acre in



S.No.53/8. While so, the petitioner's father died on 14.01.1994 and the petitioner is the sole legal heir. When the petitioner took steps to change the patta for the land in his name, in the revenue record it has been shown that the land belonged to the 3rd respondent temple. Therefore, the petitioner made a representation, dated 12.08.2014, to the 1st respondent, who in turn, forwarded to the 2nd respondent, under letter Na.Ka.A3/2668/2014, dated 08.09.2014, for appropriate enquiry. Subsequently, the 2nd respondent called the petitioner for enquiry on 20.03.2015 vide his letter dated 09.03.2015. Notice of enquiry was also issued to the 3rd respondent. The petitioner attended the enquiry on the said date along with necessary documents, including Encumbrance Certificate from 1935 onwards. Despite of enquiry, the 2nd respondent has not passed any orders. Hence, the present writ petition.

3. I have heard the submissions made on either side and perused the materials available on record.

4. Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the respondents to complete the enquiry, within a period of 12 weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and all necessary parties

5. With the above direction, the writ petition is disposed of. No costs.

sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Srirangam Division, Trichy District.
2. The Tahsildar,
Srirangam Taluk, Trichy District.
3. Arulmighu Thaumanaswami Temple,
Rep.by its Joint Commissioner / Executive Officer,
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+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 48453

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