

In the High Court of Judicature at Madras

Dated: 04.05.2016

Coram :

The Hon'ble Mr.Justice K.K.SASIDHARAN

and

The Hon'ble Dr.Justice S.VIMALA

W.P.No.17348 of 2016

1.S.Srinithi
2.A.Lakshmi
3.S.Saraswathy
4.P.Nandhini
5.Minor P.Nethra
6.S.Venkatasubramanian
Petitioners 4 & 5
rep.by their Mother &
Natural Guardian P.Nandhini ... Petitioners

-vs-

1.The Union of India,
rep. By the Secretary to Govt.,
Ministry of Culture, New Delhi.
2.Kalakshetra Foundation,
Kalakshetra Road, Besant Nagar,
Chennai. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the first respondent to consider and dispose of the representation dated 23.09.2015 on merits and in the light of the documents annexed to the representation dated 23.09.2015 within a period as may be stipulated by this Court.

For Petitioners : Mr.S.Siva Shanmugam

For Respondent No.1 : Mr.K.Gunasekar
Spl.Panel Counsel for Central Govt.

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O R D E R

This writ petition is filed for issuance of a writ of mandamus, directing the first respondent to consider and dispose of the representation dated 23.09.2015 on merits and in the light of the documents produced by the petitioners along with the said representation.

2.The writ petition is taken up for final disposal with the consent of the learned counsel for the petitioners and the learned Special Panel Counsel for the Union of India and taking into account the limited prayer.

3.The petitioners are stated to be the legal heirs of Thiru.K.G.Srinivasan, the registered owner of the land situate in S.No.179/2, Thiruvanniyur Village. According to the petitioners, the land was subsequently included in the joint patta granted to the second respondent and their application to issue a separate patta was not considered by the revenue authorities.

4.The petitioners earlier filed a writ petition before this Court in W.P.No.36902 of 2007 directing the Tahsildar, Mylapore-Triplicane Taluk to sub-divide the property and demarcate the land in T.S.No.1, S.No.179/2, admeasuring 21.12 acres in Thiruvanniyur Village. The writ petition was dismissed with a direction to the petitioners to approach the Civil Court. The petitioners, thereafter, filed intra-Court appeal before this Court in W.A.No.540 of 2016. The appeal is pending consideration before this Court.

5.The petitioners submitted a representation to the first respondent on 23.09.2015 requesting the Ministry of Culture to intervene in the matter and resolve the issue. The first respondent called upon the second respondent to submit their views by letter dated 21.10.2015. Thereafter, by letter dated 14.01.2016, the first respondent informed the petitioners that in view of the order passed by the High Court in 2012, no further action in the matter is required at this stage.

6.According to the petitioners, subsequent to the letter dated 14.01.2016, a writ appeal was filed before this Court, challenging the order in W.P.No.36902 of 2007. The petitioners are not in favour of approaching the Civil Court and to drag the second respondent into the midst of a litigation. The petitioners, therefore, wanted the first respondent to resolve the issue amicably.

7.The representation submitted by the petitioners on 23.09.2015 was not taken up for consideration by the first respondent primarily on the ground that the High Court passed certain orders in 2012. The order was only to approach the Civil Court. The petitioners have indicated in their affidavit filed in support of the writ petition that they are not in favour of initiation of suit in view of the time factor and the involvement of an institution of eminence.

8.We have perused the order passed by the learned Single Judge in W.P.No.36902 of 2007. The order dated 20.07.2007 in W.P.No.36902 of 2007 would not stand in the way of considering the representation by the first respondent. In fact, the petitioners now wanted only the first respondent to take a decision in the matter and resolve the dispute instead of the Civil Court adjudicating the matter. The petitioners have submitted to the jurisdiction of the first respondent. We are, therefore, of the view that the matter requires consideration by the first respondent.

9.The first respondent is directed to consider and dispose of the representation dated 23.09.2015 submitted by the petitioners on merits with notice to the second respondent. Such exercise shall be completed within a period of three (3) months from the date of receipt of a copy of this order.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sra

To

1.The Secretary to Govt. of India,
Ministry of Culture, New Delhi.

+2 cc to M/s.Shivashanmugam Advocate sr.28177,28084
dt 09/05/2016

W.P.No.17348 of 2016

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