

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.12.2016

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.4073 of 2013

and M.P.Nos.1 of 2013 & 1 of 2014

K.Senniappan
.. Petitioner

Vs

- 1.The Executive Officer,
Arulmighu Vaithiyanatha Easwara Swamy Temple,
Sulur, Sulur Taluk,
Coimbatore District.
- 2.The Special Officer,
and Revenue Divisional Officer (Temple Lands)
Hindu Religious and Charitable Endowment Department,
Coimbatore.
- .. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, calling for the records of the second respondent dated 25.09.2012 in Na.Ka.No.467/2011 and quash the same and direct the second respondent to restore the petitioner's name in patta.

For Petitioner : Mr.S.Nedunchezhiyan
For R1 & R2 : Mr.r.Prathap Singh
Government Advocate (HR & CE)

O R D E R

By the order impugned in this writ petition passed by the second respondent dated 25.09.2012 the petitioner's request for patta was cancelled and as against the same, the petitioner was given a liberty to approach the competent court of law, by way of appeal within 30 days from the date of the impugned order.

2. When the writ petition is taken up for hearing, the learned counsel for the petitioner if seeks for one more opportunity to prefer an appeal against the impugned order, since the Commissioner of Land Administration has refused to

receive his appeal petition.

3. The learned counsel appearing for the respondent would submit that as per G.O.Ms.No.409 Revenue SSI (1) Department dated 02.07.2008, the Government while cancelling the revision powers of the Special Commissioner and Commissioner of Land Administration had stated that the orders with regard to cancellation of patta cases should be challenged before the civil Court of law.

4. Accordingly, the petitioner is given a liberty to prefer appropriate proceedings before the civil Court as against the order of cancellation dated 25.09.2012 which is impugned in the present writ petition, within a period of 30 days from the date of receipt of this order. On receipt of such appeal, being filed before the competent Court of law, the same will be taken on file by the concerned court without insisting for the limitation period as observed in the impugned order dated 25.09.2012.

5. With the above observation, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Executive Officer,
Arulmighu Vaithiyanatha Easwara Swamy Temple,
Sulur, Sulur Taluk,
Coimbatore District.
- 2.The Special Officer,
and Revenue Divisional Officer (Temple Lands)
Hindu Religious and Charitable Endowment Department,
Coimbatore.

+1cc to the Government Pleader, S.R.No.67903

sr(CO)
md(18/01/2017)

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