

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.22281 of 2016

B.Sivakumar

..Petitioner

Vs.

1.The Tahsildar,
Ulundurpettai Taluk,
Villupuram District.

2.The Commissioner,
Block Development Office,
Thirunavallur, Ulundurpettai Taluk,
Villupuram District.

3.The President,
A. Kurumbur Village President,
Ulundurpettai Taluk,
Villupuram District.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to survey the land comprised in Survey No.75/1 and 65/1 in Arasampoondi Village, Ulundurpettai Taluk, Villupuram District and preventing the illegal activity of the 3rd respondent.

For Petitioner : Mr.G.Ranganathan

For R1 : Mr.R.Govindasamy

Special Government Pleader

For R2 & R3 : Mr.R.Rajendra Narasimhan

Additional Government Pleader

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner claims that he is the Hereditary Trustee of Arulmigu Kasi Viswanathar Vinayagar Temple situated at Arasampoondi Village, Ulundurpet Taluk, Villupuram District and according to him, the temple is in existence for more than 100 years and it is located in S.Nos.66/1 and 75/1 and the extent is 0.53 cents and as per the revenue records, the said lands belong to the temple. The petitioner would further state that the 3rd respondent is attempting to trespass into

the temple property with an oblique motive of putting up a construction and therefore, the petitioner has filed an application before the 1st respondent on 11.04.2016 with a request to survey the land and since no orders have been passed, the petitioner came forward to file the present writ petition.

3 Heard the learned counsel for the petitioner ; Mr.R.Govindasamy, learned Special Government Pleader who accepts notice on behalf of the 1st respondent and Mr.R.Rajendra Narasimhan, learned Additional Government Pleader who accepts notice on behalf of the respondents 2 and 3.

4 Though the petitioner has prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 1st respondent to consider and dispose of the petitioner's application dated 11.04.2016 on merits and in accordance with law, after putting on notice the 3rd respondent and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the 3rd respondent herein.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

AP
To

- 1.The Tahsildar, Ulundurpettai Taluk,
Villupuram District.
- 2.The Commissioner,
Block Development Office,
Thirunavallur, Ulundurpettai Taluk,
Villupuram District.
- 3.The President,
A. Kurumbur Village President,
Ulundurpettai Taluk, Villupuram, District.

+1cc to Mr.G. Ranganathan, Advocate, S.R.No.36304
+1cc to the Government Pleader, S.R.No.36595

SV(CO)
EU(22/07/2016)