IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2016

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P. No.40880 of 2015

Arulmigu Muthu Mariamman &
Sri Venkatesa Perumal Devasthanam,
rep. by its Trustee,
M. Jegadeeswaran
Goundenpalayam,
Puducherry. ..Petitioner

Vs.

1. The Secretary,
Government of Pondicherry,
Survey and Revenue Department,
Puducherry.

2. The Director,
The Directorate of Survey &
Land Records,
Puducherry.

3. The Commissioner,
Department of Hindu Religious
Institutions Act,
Puducherry. ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing respondents 1 and 2 to issue patta in the name of the petitioner temple in respect of lands comprised in R.S. No. 26/1, of an extent of 0.27.00 ares in Goundenpalayam, Reddiarpalayam Village, Puducherry, after rectifying the revenue records.

For Petitioner :: Mr.S.K. Rakhunathan

For Respondents:: Mr.A. Tamilvanan,
Govt. Advocate

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O R D E R

From the records, it is seen that though in the earlier notification, the land in question was said to be belonging to the petitioner, it was changed subsequently and included in the revenue records as Government land. The petitioner made a representation to Tahsildar, Puducherry, on 11.10.2013 to issue the patta as per the earlier notification, in the name of the petitioner Temple. The 3rd respondent, by communication dated 07.11.2013, had also recommended to the 2nd respondent to consider the request of the petitioner. Thereafter, the petitioner made representations on 11.11.2013 to the 2nd respondent, 10.12.2013 to Tahsildar, Puducherry and on 18.02.2014 to the Governor of Puducherry. Pursuant to the same, there was some exchange of communication between the petitioner and the 1st respondent. By letter dated 31.07.2015, the 3rd respondent had furnished the clarification sought to the Settlement Officer, Directorate of Survey and Land Records, Puducherry, stating that the claim of the petitioner seems to be genuine and that appropriate orders will have to be passed by invoking Section 23(1) of Puducherry Settlement Act, 1970. Another communication was also sent subsequently by the office of the 3rd respondent to the Settlement Officer, Directorate of Survey and Land Records, Puducherry to consider issuance of change of patta in the name of the petitioner. As no further action is taken, the petitioner is before this Court.

2. Considering the above said facts, the 2nd respondent is directed to pass appropriate orders, with regard to the claim of the petitioner, pursuant to the letter dated 31.07.2015 vide No. 4676/CHRI/T1/2015, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To
1. The Secretary,
Government of Pondicherry,
Survey and Revenue Department,
Puducherry.

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2. The Director,
The Directorate of Survey &
Land Records,
Puducherry.

3. The Commissioner,
Department of Hindu Religious
Institutions Act,
Puducherry.

+1cc to Mr.S.K.Raghunathan, Advocate, S.R.No.25

W.P. No. 40880 of 2015

ad(CO)
srg(19/01/2016)

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