

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29237 of 2016

Kanakarathnam @ Kanakaraj

... Petitioner

Vs.

1 The District Revenue Officer,
District Collectors' Office,
Tirupur District.

2 The Rural Development Officer,
Tirupur District.

3 The Tahsildhar,
Avinashi Tirupur District.

4 The Assistant Commissioner,
HR & CE Department,
Coimbatore - 18

5 Subbaian

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to enquire and dispose of the appeal filed by the petitioner dated 30.1.2013, pending before 1st respondent.

For Petitioner : Mr.N.Anand Venkatesh

For Respondents : Mr.A.N.Thambidurai for R1 to R3

Special Government Pleader

Mr.M.Maharaja for R4

Special Government Pleader (HR & CE)

O R D E R

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

2.The petitioner would state that Thirupukolliiyur Vageesar Mutt was established in the year 1894 by his ancestors namely, Kolandhae Gounder, Raya Gounder and Avinashi Gounder for the purpose of performing pooja to Avinashi Eshwaran and establish Nandhavanam (Flower Garden) and for that purpose, executed a gift deed with regard to the properties situated in Old Survey No.26 and 27, New Survey No.131 - 1A at Avinashi in favour of Thiruvadudurai Adheenam in the year 1894 and originally, the patta stood in the name of the persons who were incharge of the Mutt and thereafter, it was changed in the name of the petitioner's father and after his demise, he continued to make the payment and the patta stood in his name.

3.The petitioner would further aver that the Matadhipathi of the Mutt who was performing the pooja, instigated some persons belonging to the village to cancel the patta granted in his favour and accordingly, the second respondent vide proceedings dated 28.08.2006, has passed an order removing his name and transferring the patta in the name of Thirupukolliiyur Vageesar Mutt and directed the third respondent to make necessary changes in the Revenue records and challenging the legality of the same, the petitioner filed an appeal before the first respondent on 30.01.2013, followed by a reminder representation dated 04.07.2016 for early disposal of the said appeal and since no orders have been passed, came forward to file this writ petition.

4.Heard the submissions of Mr.N.Anand Venkatesh, learned counsel appearing for the petitioner, Mr.A.N.Thambidurai, learned Special Government Pleader who accepts notice on behalf of the respondents 1 to 3 and Mr.M.Maharaja, learned Special Government Pleader (HR & CE) who accepts notice on behalf of the fourth respondent.

5.This Court taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the same, directs the first respondent to consider and dispose of the petitioner's appeal dated 30.01.2013 and the reminder representation dated 04.07.2016, in accordance with law, after putting on notice, Thirupukolliiyur Vageesar Mutt as well as the fifth 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 above said persons.

6.The writ petition is disposed of accordingly. No costs.

s/d-
Assistant Registrar(CS-III)

True Copy
Sub-Assistant Registrar

To

- 1 The District Revenue Officer,
District Collectors' Office,
Tirupur District.
- 2 The Rural Development Officer,
Tirupur District.
- 3 The Tahsildhar,
Avinashi Tirupur District.
- 4 The Assistant Commissioner,
HR & CE Department,
Coimbatore - 18

+1 cc to Mr.N.Anand Venkatesh, Advocate sr 47838
+1 cc to Government Pleader sr 48274/16

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