

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.09.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.31038 of 2016

V.Gnanasekar

.. Petitioner

Vs.

1. The District Collector,
Cuddalore District.
 2. The District Revenue Officer,
Panruti Taluk, Cuddalore District.
 3. The Tahsildar,
Panruti Taluk, Cuddalore District.
 4. The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Cuddalore District.
 5. Poongunam Sri Ayyanar Temple,
Poongunam,
Panruti Taluk, Cuddalore District.
- .. Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorari and Mandamus, to call for the records of the respondents in connection with the impugned Patta issued by the third respondent dated 17.06.2016 in Patta No.258 in favour of Poongunam Sri Ayyanar Temple (5th respondent herein) and quash the same and further direct the respondents 1-3 to issue a fresh patta in favour of the petitioner in respect of S.No.174/8 to an extent of 1.7 acres.

For Petitioner : Mr.R.Dineshkumar

For Respondents: Mr.A.Kumar

Spl. Government Pleader - R1toR3

: Mr.M.Maharaja,
Spl. Government Pleader - R4

O R D E R

This Writ Petition has been filed to quash the impugned patta issued to the fifth respondent and and direct the respondents to issue fresh patta in favour of the petitioner.

2. The land situated in Poongunam village Panruti Taluk, Cuddalore District in Old S.No.457, New S.No.174/8 to an extent of 1.07 cents was purchased by Mrs.Sowbhagyammal @ Pallammal W/o.Udayanayaga Nainar from one Sabhapathy Nainar, S/o.Saravanan Nainar by a registered sale deed dated 30.10.1928 vide Doc.No.3892 of 1990. The said Mrs.Sowbhagyammal @ Pallammal has executed a will in favour of the petitioner's father Venugopal Nainar @ Venugopal and subsequently, the father of the petitioner executed a Will in favour of the petitioner in respect of the said property along with other properties on 12.08.2009. But due to negligence of the revenue authorities, the said land was merged with temple's land and a patta was issued in favour of the fifth respondent. After the demise of the father of the petitioner, the petitioner made several representations to the respondents. But no action has been taken on the said representations by the respondents to conduct enquiry and to rectify the defect and hence, the present Writ Petition has been filed.

3. According to the petitioner, the patta has been wrongly given along with other properties in name of the temple, way back in the year 2010 and he has preferred an application to the Revenue Divisional Officer to rectify the mistake in the year 2011 and till date no order has been passed.

4. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

5. In view of the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the second respondent, to dispose of the representation of the petitioner after giving notice to the fifth respondent and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this Order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

6.The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Cuddalore District.
2. The District Revenue Officer,
Panruti Taluk, Cuddalore District.
3. The Tahsildar,
Panruti Taluk, Cuddalore District.
4. The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Cuddalore District.
5. Poongunam Sri Ayyanar Temple,
Poongunam,
Panruti Taluk, Cuddalore District.

+1cc to Mr.R.Dhineshkumar, Advocate Sr.50758
+1cc to the Government Pleader Sr.50848

W.P. No.31038 of 2016

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srg 26/09/2016

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