

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.38485 of 2016

S.M.Subramaniam

... Petitioner

Vs.

1. The District Collector,
Tiruppur District,
Tiruppur.

2. The Revenue Divisional Officer,
Tiruppur District,
Tiruppur.

3. Thangavel

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first and second respondents to consider the petitioner's representation dated 12.07.2016 and take suitable legal action so as to change the revenue records in the name of Sri Annamarswami Thirukoil in respect of the property in Survey Nos.113/A, 1B situated at Reddipalayam Village, Uthukuli Taluk, Tiruppur District.

For Petitioner : Mr.C.Munusamy

For Respondents : Mr.R.S.Selvam
Government Advocate

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate, who takes notice for the first and second respondents and with the consent on either side, the writ petition is taken up for final disposal.

2. The petitioner is the Secretary and Poojari of Sri Annamarswamy Koil situated in Reddipalayam Village, Uthukuli Taluk, Tiruppur District. The entire temple premises are situated in Survey Nos.107, 108 and 109 of Reddipalayam Village. Originally, the land belongs to one Mr.Chinna Naicker and had sold out the property excluding the temple premises, pathway and right of drawing water from the well for the purpose of temple affairs to one Mr.R.M.Angappa Gounder as

early as on 24.11.1939. Now the said land has been resurveyed and resurvey number allotted to the temple land is 113/1A and 1B. Subsequently, the said Angappa Gounder sold out the properties to third parties. The temple belong to Uppliya Niacker community exclusively and they are doing poojas and other religious functions in the temple for generations together without any hindrance to anybody. While so, the third respondent claiming right over the temple properties and disturbing the possession of the temple land despite the fact that no one has any exclusive right over the temple land. Furthermore, the third respondent has fraudulently changed his name in the revenue records as if he is the owner of the temple property in respect of Survey Nos.113/1A and 1B. When the petitioner enquired with the officials concerned, he was informed that the third respondent and his accomplices had got the revenue records in their favour illegally without any fundamental documents to show that they are owners of the property in question. Moreover, the petitioner was not given any notice or intimation before amending or changing the name of the temple land to the third parties. Therefore, the petitioner gave written representation on 12.07.2016 to remove the name of the third respondent from the revenue records in the name of the temple land. But the same was not considered till date. Hence, the petitioner has come forward with the present Writ Petition.

3. Today, when the matter was taken up, the learned Government Advocate submitted that for mutation of the revenue records, the remedy open to the petitioner is to file an appeal before the revenue Divisional Officer, the second respondent herein and not a Writ Petition before this Court.

4. As rightly pointed out by the learned Government Advocate, the petitioner has to file an appeal before the Revenue Divisional Officer and as such, this Court cannot direct the first and second respondents to consider the representation of the petitioner.

5. With the above observation, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vrc

To

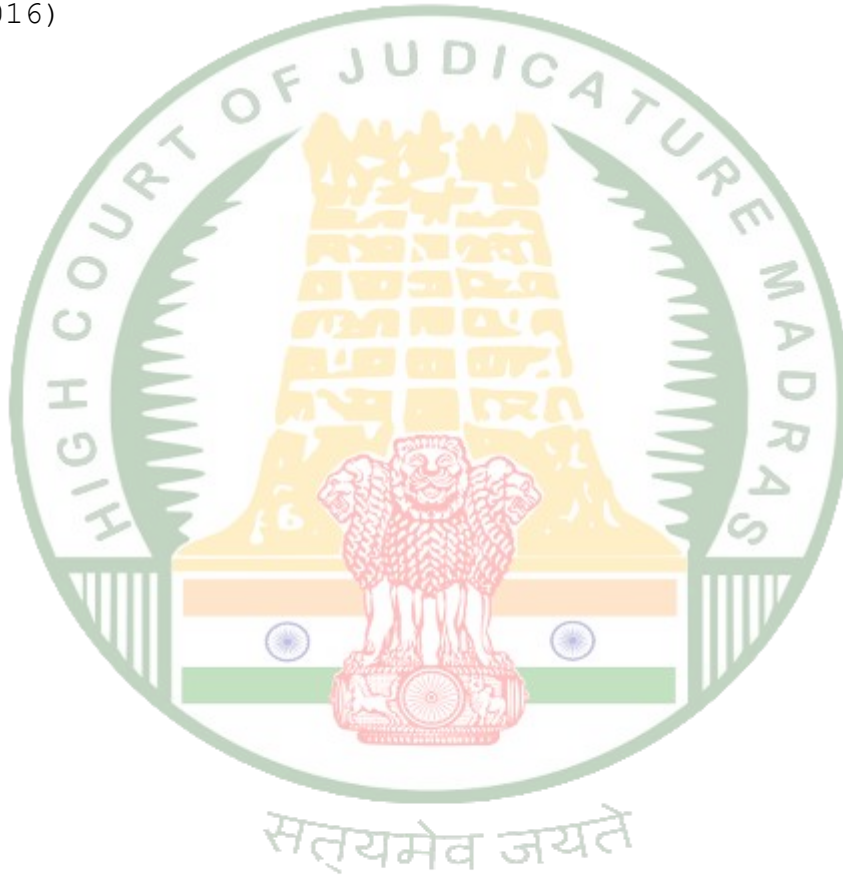
1. The District Collector,
Tiruppur District,
Tiruppur.

2. The Revenue Divisional Officer,
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Tiruppur.

+1cc to Mr.C.Munusamy, Advocate, S.R.No.63108
+1cc to the Government Pleader, S.R.No.63294

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RSY (CO)
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