

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.7065 of 2016

and

WMP.No.6274 of 2016

Pakkirisamy

.. Petitioner

- Vs -

1. The State of Puducherry,
represented by its Secretary,
Department of Hindu Religious
and Charitable Endowment
Puducherry-1,
Puducherry State.

2. The Board of Trustees,
Sri Ragundhi Perumal and
Sri Venkatesa Perumal
Vagaiyara Devasthanam
T.R.Pattinam,
Puducherry State.

3. Bhaskaran
MBM Charitable Educational Trust,
Gandhi Road,
T.R.Pattinam,
Karaikal, Puducherry State.

.. Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 1.2.2016 and protect the possession and cultivating tenancy right of the petitioner in T.R.Pattinam Polagam Village, bearing Re-survey No.65/2 for an extent of 31 R 50 Sandiyar less than 2 acres of the land owned by the second respondent Devasthanam to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mrs.D.Reena Isnariya, AGP (Pondy)

O R D E R

The petitioner has filed this writ petition for a Mandamus, directing the first respondent to consider his representation dated 1.2.2016 and protect his possession and cultivating tenancy right pertaining to the land in Re-survey No.65/2, No.35, Polagam Village, T.R.Pattinam Firka to an extent of 0.31.50 Hectares, owned by the second respondent Devasthanam.

2. It is the case of the petitioner that he belongs to Scheduled Caste community. His father by name Mannappan was a cultivating tenant under the Record of Cultivating Tenants Act in respect of the land in Re-survey No.65/2, No.35, Polagam Village, T.R.Pattinam Firka measuring an extent of 0.31.50 Hectares and he used to give paddy as rent to the temple. After the demise of his father on 15.11.2010, the petitioner continues to cultivate the land as tenant. While so, the second respondent is intending to grant lease in favour of the third respondent which is unlawful and contrary to the provisions of the Act 30/2013 and the provisions of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989. In this regard, the petitioner made a representation dated 1.2.2016 to the Chief Minister, Puducherry to protect his tenancy and living rights in accordance with law, copy of which is addressed to the respondents 1 and 2. However, no order has been passed by the respondents. Therefore, the petitioner has filed the present writ petition for the above stated relief.

3. When the matter came up for consideration, the learned Additional Government Pleader (Puducherry), who took notice for the respondents, submitted that the petitioner gave a representation, which is under consideration of the first respondent and the order would be passed within a short span of time.

4. In view of the submission so made by the learned Additional Government Pleader (Puducherry), I am of the view that there is no need to issue a specific direction to the respondents. However, the first respondent is directed to complete the enquiry by affording an opportunity of personal hearing to the petitioner as well as to the third respondent and pass appropriate order, on the petitioner's representation dated 1.2.2016 on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

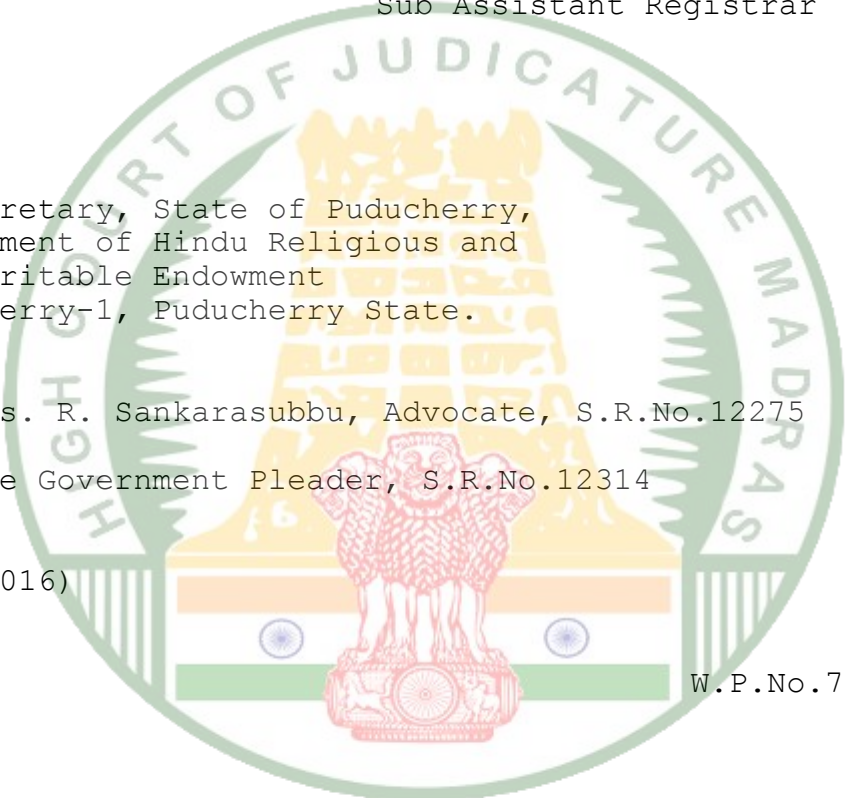
1. The Secretary, State of Puducherry,
Department of Hindu Religious and
Charitable Endowment
Puducherry-1, Puducherry State.

+1cc to M/s. R. Sankarasubbu, Advocate, S.R.No.12275

+1cc to the Government Pleader, S.R.No.12314

SNS (CO)
EU (03/03/2016)

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सत्यमेव जयते

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