

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.9864 of 2016

T.Ramalingam,
S/o Thiagaraja Gounder,
Trustee, Mariamman Temple,
No.2/30, Bye-pass Street,
Belu Kurichi Village,
Namakkal-637 402,
Namakkal Taluk and District. ... Petitioner

Vs.

1. The District Collector,
Namakkal District, Namakkal.
2. The Sub-Collector,
Namakkal District, Namakkal.
3. The Tahsildar,
Namakkal Taluk, Namakkal District.
4. The Village Administrative Officer,
Belukuruchi, Namakkal Taluk and District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the third respondent to survey the land in S.No.390/1 situated at Belukurichi Village, Namakkal Taluk, based on the representation of the petitioner, dated 29.04.2013 and the subsequent communication of the second respondent, dated 05.06.2013 to the third respondent.

For Petitioner : Mr.A.Selvendran

For Respondents : Mr.S.Navaneethan,
Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition for issuance of a Writ of Mandamus to direct the third respondent to survey the land in S.No.390/1 situated at Belukurichi Village, Namakkal Taluk, based on the representation of the petitioner, dated 29.04.2013 and the subsequent communication of the second respondent, dated 05.06.2013 to the third respondent.

2. In the affidavit filed in support of the Writ Petition, it is stated by the petitioner that the petitioner is one of the Trustee of Sri Mariamman Temple, Sri Vinayagar Temple and Sri Karuppanar Temple, situated in the above said survey number. The petitioner made a representation, dated 29.04.2013 to the first respondent to survey the property on which the Temple is situated and to grant patta in the name of the Temple. It is the grievance of the petitioner that though a copy of the above representation was marked to the third and fourth respondents, no action was taken. Hence, he sent another representation, dated 04.05.2013 to the second and third respondents requesting them to give the details of the land surveyed. The second respondent, on 05.06.2013, directed the third respondent to take necessary action on the representation of the petitioner and inform the same, a copy of which had also been marked to the petitioner. In spite of the same, no action was taken. Hence, the petitioner has filed this Writ Petition for the above relief.

3. Heard both sides.

4. Taking into consideration the above facts, this Court directs the petitioner to send fresh representation to the third respondent, for the above claim, with necessary documents, along with a copy of this order, within a period of one week from the date of receipt of a copy of this order and on receipt of such representation from the petitioner, the third respondent is directed to conduct enquiry, give an opportunity of personal hearing to the petitioner and other necessary parties, pass appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of six weeks thereafter. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the third respondent to decide the same.

5. With the above observations and directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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Copy to

1. The District Collector,
Namakkal District, Namakkal.
2. The Sub-Collector,
Namakkal District, Namakkal.
3. The Tahsildar,
Namakkal Taluk, Namakkal District.
4. The Village Administrative Officer,
Belukuruchi,
Namakkal Taluk and District.

+1cc to Mr.A.Selvendran, Advocate, S.R.No.16908
+1cc to the Government Pleader, S.R.No.17414

W.P.No.9864 of 2016

CNR (CO)
CA(18/03/2016)

सत्यमेव जयते

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