



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. (MD) Nos. 712 and 725 of 2015

and

M.P. (MD) No. 1 of 2015

W.P. (MD) No. 712 of 2015:

T.N.Nagupillai

:Petitioner

Vs.

1.The Thasildhar,
Madurai South,
Madurai District.

2.The Fit Person,
Arulmigu Kasiviswanathaswamy Temple,
Palanganatham,
Madurai.

[R-2 impleaded as per the order of
this Court dated 07.12.2016 in
M.P. (MD) No. 1 of 2015]

:Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondent to issue individual patta in my name in respect of the property comprised in S.No.330/5 an extent of 91 cents situated at Madakulam Village, Madurai, on the basis of petitioner's representation dated 19.12.2014 in consonance with the order dated 18.09.1972 made in C.M.A.No.341 of 1968 on the file of Principal Subordinate Court, Madurai.

For Petitioner : Mr.R.G.Shankar Ganesh
For Respondent No.1 : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader
For Respondent No.2 : Mr.S.Manohar

W.P. (MD) No. 725 of 2015:

T.N.Nagupillai

:Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nethaji Road,
Madurai.



2.The Executive Officer,
Arulmigu Kasi Viswanathar Swamy Temple,
Palanganatham,
Madurai.

3.The Managing Trustee/Executive Officer,
Arulmigu Iswaran Temple,
Vilacheri,
Madurai.

:Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the first respondent to take necessary action for removal of the board placed by the second respondent on the basis of the representation dated 05.10.2014 and consequentially, forbear the second respondent from interfering with the petitioner's peaceful possession and enjoyment of the property comprised in S.No.330/5 to an extent of 91 cents situated at Madakulam Village, Thiruparankundram, Madurai.

For Petitioner : Mr.R.G.Shankar Ganesh
For Respondent No.1 : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader
For Respondents 2&3 : Mr.S.Manohar

COMMON ORDER

W.P.(MD)No.712 of 2015 is filed with the following relief:

"Writ of Mandamus, directing the respondent to issue individual patta in the name of the petitioner in respect of the property comprised in S.No.330/5 an extent of 91 cents situated at Madakulam Village, Madurai, on the basis of petitioner's representation dated 19.12.2014 in consonance with the order dated 18.09.1972 made in C.M.A.No.341 of 1968 on the file of Principal Subordinate Court, Madurai."

2. W.P.(MD)No.725 of 2015 is filed by the same petitioner seeking for the following relief:

"Writ of Mandamus, directing the first respondent to take necessary action for removal of the board placed by the second respondent on the basis of the representation dated 05.10.2014 and consequentially, forbear the second respondent from interfering with the petitioner's peaceful possession and enjoyment of the property comprised in S.No.330/5 to an extent of 91 cents situated at Madakulam Village, Thiruparankundram,



3. Heard the learned counsel appearing for the petitioner in both the Writ Petitions and the learned Additional Government Pleader appearing for the first respondent in both the Writ Petitions and the learned counsel appearing for the second respondent in W.P.(MD)No.712 of 2015 and the second and third respondents in W.P.(MD)No.725 of 2015 and perused the materials placed before this Court.

4. Though the writ petitioner, who is one and the same in both the Writ Petitions, claims grant of patta in respect of the subject matter land in one Writ Petition and seeking for removal of the Board put up by the concerned Temple in the land in the other Writ Petition, it appears that the dispute between the parties is in respect of the subject matter land, over which, the petitioner claims some right based on a settlement proceedings said to have commenced and ended in favour of the petitioner as early as in the year 1972. Whether the petitioner is entitled for the relief sought for in these Writ petitions cannot be decided by this Court, as it is for the concerned Revenue Official, viz., the Tahsildar, Madurai South, Madurai District, to consider the claim of the petitioner and pass orders on the same on merits and in accordance with law, after giving due opportunity of hearing to the respondent temple in the other Writ Petition, viz., W.P.(MD) No.725 of 2015.

5. Therefore, without expressing any view on the claim made by the petitioner, I only direct the Tahsildar, Madurai South, Madurai District, to consider the claim of the petitioner and pass orders on the same on merits and in accordance with law, after giving due opportunity of hearing to the concerned Temple as well, within a period of twelve weeks from the date of receipt of a copy of this order.

6. The Writ Petitions are disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23. To

1.The Thasildhar,
Madurai South,
Madurai District.



2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nethaji Road,
Madurai.

3.The Executive Officer,
Arulmigu Kasi Viswanathar Swamy Temple,
Palanganatham,
Madurai.

4.The Managing Trustee/Executive Officer,
Arulmigu Iswaran Temple,
Vilacheri, Madurai.

+2cc to M/s.S.Manohar, Advocate in SR.79916 & 79917

+1cc to the Special Government Pleader, in SR.79986 & 79980

W.P.(MD)Nos.712 and 725 of 2015
and MP(MD)No.1 of 2015
Dated: 07.12.2016

sml

PBK 27/12/2016 ::4P-8C: