



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 27.06.2016

CORAM

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

WEB COPY

W.P (MD) No. 11390 of 2016

N. Somasundarapandian

..Petitioner

Vs

1. The District Revenue Officer,
Virudhunagar District.

2. The Revenue Divisional Officer,
Aruppukkottai Taluk, Virudhunagar District.

3. The Tahsildar,
Virudhunagar Taluk, Virudhunagar District.

4. The Taluk Surveyor,
Virudhunagar Taluk,
Virudhunagar District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to sub-divide the land comprised in S.No.284/7 of Pavali Village, Virudhunagar District and to issue patta in favour of Sri. Karkuvel Ayyanar Temple, Pavali Village within the time stipulated by this Court by considering the Petitioner's representation dated 3.3.2016.

For Petitioner : M/s.R.Rajamohan

For Respondents : Mr.S.Kumar

Addl.Govt.Pleader

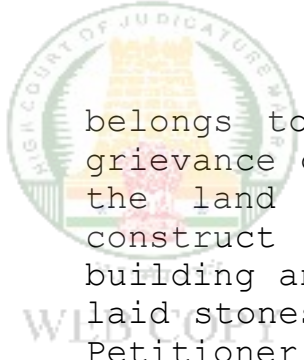
ORDER

Heard both sides.

2. By consent of both sides, the main Writ Petition itself is taken up for final disposal.

3. No counter is filed on behalf of the respondents.

4. According to the Petitioner, the Temple situated in Old S.No.77, New S.No.284/7 of Pavali Village, Virudhunagar District measures an extent of 0.6684 hectares originally belongs to one Yema Nadar's son Malayandi and Irulangudi Nadar. They bequeathed the said land to the Sri Karkuvel Ayyanar Temple before several decades and the Petitioner is in possession and enjoyment of the same. As a matter of fact, all the revenue records shows that it



belongs to the Temple. When that be the facts situation, the grievance of the Petitioner is that the Revenue Officials measured the land adjacent to the Petitioner's land with a view to construct a Government School by demolishing the old school building and in-fact, the Revenue Officials also ear-marked and laid stones in the Petitioner's land. Therefore on 3.3.2016, the Petitioner had sent a representation to all the Respondents to measure the land in S.No.284/7 and to issue a separate patta in favour of Sri Karkuvel Ayyanar Gtemple, situated at Pavali Village, Virudhunagar District. Indeed, the First Respondent/The District Revenue Officer, Virudhunagar District had forwarded the Petitioner's representation to the Second Respondent/The Revenue Divisional Office, Aruppukkottai Taluk, Virudhunagar District for issuance of patta and for conducting proper enquiry as per the proceedings, dated 9.3.2016. Till date, the Second Respondent had not completed the enquiry and issue patta in the subject-matter in issue.

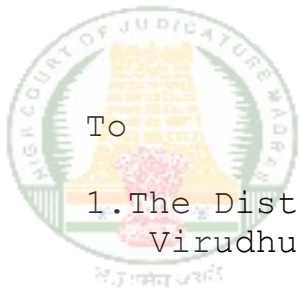
5. In view of the fact that the Petitioner's representation, dated 3.3.2016 is pending on the file of the Second Respondent/The Revenue Divisional Officer, Aruppukkottai Taluk, Virudhunagar District, at this stage, without expressing any opinion on the merits and contents of the representation, dated 3.3.2016, simpliciter, in the interest of justice, Equity, Fair Play, Good Conscience and even as a matter of prudence, directs the Second Respondent to take up the representation of the Petitioner, dated 3.3.2016 within a period of ten days from the date of receipt of a copy of this order. Thereafter, the Second Respondent is directed to consider the representation of the Petitioner, dated 3.3.2016 and to dispose of the same by passing a reasoned speaking order, on merits (of course after providing necessary opportunity to the Petitioner and others concerned, if any by adhering to the principles of natural justice in true letter and spirit) within a period of four weeks thereafter. It is open to the Petitioner to produce copies of all necessary/relevant documents before the Second Respondent/ The Revenue Divisional Office, Aruppukkottai Taluk, Virudhunagar District and the Second Respondent shall take into consideration of the same at the time of disposal of the representation of the Petitioner, dated 3.3.2016.

6. With the aforesaid observations and directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (W)

/True copy/



To

1.The District Revenue Officer,
Virudhunagar District.

2.The Revenue Divisional Officer,
Aruppukkottai Taluk,
Virudhunagar District.

3.The Tahsildar,
Virudhunagar Taluk,
Virudhunagar District.

4.The Taluk Surveyor,
Virudhunagar Taluk,
Virudhunagar District.

+1 cc to M/s.R.Rajamohan, Advocate in SR.No.33183

+1 cc to The Special Government Pleader in SR.No. 33386

vsn

CSL/GSV-PM/01.07.2016 :3P/7C

W.P (MD) No.11390 of 2016

27.06.2016