



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 20.07.2016

CORAM

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.12727 of 2016

and

W.M.P (MD) Nos.9628 and 9629 of 2016

Mariappa Thevar

..Petitioner

Vs

1.The Revenue Divisional Officer,
Palani.

2.The Tahsildar, Palani Taluk, Palani.

3.The Joint Commissioner,
Palani Arulmighu Thandayuthabani Thirukkcoil,
Palani, Dindigul District.

4.The Commissioner, Palani Municipality,
Palani Town,
Palani.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from interfering in the peaceful possession of the property in Town Survey Number in T.S.No.850, measuring an extent of 187.51 sq.ft within which Western Peacock Mandapam is situated as per the decree dated 24.4.1988 in O.S.No.724 of 1982 on the file of the learned District Munsif, Palani by considering the representation of the Petitioner, dated 12.5.2016 within the time stipulated by this Court.

For Petitioner :Mr.N.Balakrishnan
for M/s.P.Mahendran

For Respondents :Mr.J.Gunaseelan Muthiah
1 and 2 Govt.Advocate

For Respondent-3 :Mr.V.Muruganandam
Addl.Govt.Pleader

For Respondent-4 :Mr.Arjunan

**ORDER**

Heard the learned counsel for the Petitioner as well as the learned Government Advocate for the Respondents 1 and 2 and the Learned Additional Government Pleader for the third respondent.

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

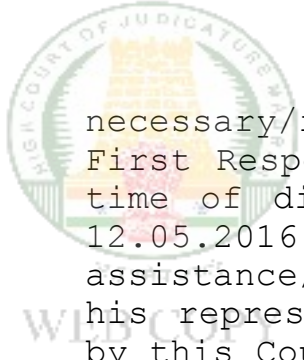
3.No counter is filed on behalf of the Respondents 1 to 3.

4.According to the Petitioner, the Third Respondent claimed the property as referred to above, as one belonging to him and filed a suit in O.S.No.724 of 1982, on the file of the Learned District Munsif, Palani, seeking a relief of permanent injunction. As a matter of fact, the Trial Court granted a decree in favour of the Third Respondent/Temple, subject to the condition that except 24 days(7 days during Panguni Uthiram Festival, 14 days during Agni Natchathiram and 3 days during Gurupooja), till the date, on which the Third Respondent or the Petitioner gets assignment from the Government, with the condition to the Petitioner not to raise any additional construction by the decree, dated 26.04.1988.

5.The prime plea taken on behalf of the Petitioner is that the decree passed by the Trial Court in O.S.No.724 of 1982, dated 26.04.1988 has become final, conclusive and binding *inter-se* between the parties and based on the decree of the Civil Court, the Petitioner is endeavouring to secure an assignment and patta from the concerned officers of the Government.

6.Also, that the Petitioner has submitted a representation, dated 12.05.2016 before the First Respondent/The Revenue Divisional Officer, Palani and the same is pending.

7.Considering the fact that the representation of the Petitioner, dated 12.05.2016 addressed to the First Respondent/The Revenue Divisional Officer, Palani is still pending as on date, without any disposal or progress, at this stage, this Court, in the interest of justice and fair play, directs the First Respondent/The Revenue Divisional officer, Palani to look into the representation of the Petitioner, dated 12.05.2016 and dispose of the same on merits by passing a reasoned speaking order outlining the process of reasoning in a qualitative and quantitative fashion and that too, in a free, fair, unbiased and dispassionate manner(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 from the date of receipt of a copy of this order. It is open to the Petitioner to produce copies of all



necessary/relevant documents before the First Respondent and the First Respondent shall take into consideration of the same at the time of disposal of the representation of the Petitioner, dated 12.05.2016. The Petitioner is also directed to lend his assistance/co-operation to the First Respondent in disposing of his representation, dated 12.5.2016, within the time prescribed by this Court.

8. With the aforesaid observations and directions, the Writ Petition stands disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

vsn

To

1. The Revenue Divisional Officer, Palani.

2. The Tahsildar, Palani Taluk, Palani.

3. The Joint Commissioner,
Palani Arulmighu Thandayuthabani Thirukkoil,
Palani, Dindigul District.

4. The Commissioner, Palani Municipality,
Palani Town, Palani.

+1CC to the Spl. Government Pleader Sr.No.37945

+1CC to Mr.P.Mahendran, Advocate Sr.No.38233

GJM/ARK/PV/SAR-III-26.7.26-3p-7c

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