



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD).No.9005 of 2016

and

WM.P.(MD).No.7184 of 2016

1.The Parish Priest,
St. Mary Magdalane Church
Vakkampatti-624 303
Dindigul District.

2.K.S.M.Kanagappan

... Petitioners

Vs.

1.The District Collector,
Dindigul District,
Dindigul.
2.The Tahsildar,
Taluk Office,
Aatthur Taluk,
Dindigul District.
3.The Village Administrative Officer,
Vakkampatti,
Dindigul District.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 2nd respondent to issue Patta in the name of the 1st petitioner Church in respect of land at Survey No. 133 of Vakkampatti Village, Dindigul District admeasuring 4.26 ares on the basis of the proposal submitted by the 1st petitioner dated 03.12.2015.

For Petitioner :Mr.T.Cibi Chakraborty

For Respondents :Mr.V.Muruganandam

Additional Govt. Pleader for R-1toR-3

O R D E R

Heard both sides.

2. By consent, the main writ petition itself is taken up for disposal.

3. According to the petitioner, the petitioner's church is in existence for more than 200 years. Indeed, the whole church



building is constructed in Sy.No.133, admeasuring 4.26 ares and at survey Nos.138/11 & 138/19, admeasuring 27 cents of Vakkampatti Village, Dindigul District and the same is in possession of the church from the date of its establishment.

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4. The real grievance of the petitioners is that the second respondent/Tahsildar, Attur Taluk, Dindigul District is not passing any orders on the application submitted by the first petitioner dated 03.12.2015, praying for issuance of patta in the name of church, even after the first respondent/District Collector, Dindigul District, through circular dated 21.12.2015 directed the second respondent/Tahsildar, Attur Taluk, Dindigul District to pass orders on the same and submit his report. Hence, the petitioner is perforced to file the present writ petition.

5. At this stage, the Learned Counsel for the Petitioners brings to the notice of this Court that in regard to the property dispute of the petitioner/church, the petitioners are made as parties (in all the cases) and subsequently, in execution proceedings No.192/2007, the church properties were delivered to the second petitioner on 01.09.2015.

6. In view of the fact that the relief sought for by the petitioners in the writ petition is only for passing of an order by this Court in directing the second respondent/Tahsildar, Attur Taluk, Dindigul District, to consider the petition dated 03.12.2015, this Court, at this stage, simpliciter, without traversing upon the merits of the matter, directs the second respondent/ Tahsildar, Attur Taluk, Dindigul District, to look into the petition of the petitioner dated 03.12.2015 with all earnestness and seriousness and to dispose of the said petition on merits (of-course after providing adequate opportunity to the petitioners and others concerned by adhering to the principles of Natural Justice in true letter and spirit) in dispassionate manner, within a period of four weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction/observation, the writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar



To

1.The District Collector, Dindigul District, Dindigul.

2.The Tahsildar, Taluk Office, Aatthur Taluk, Dindigul District.

3.The Village Administrative Officer,
Vakkampatti, Dindigul District.

+1 CC to M/s.CIBI CHAKRABORTHY, Advocate, SR No.28231

+1 CC to the Special Government Pleader, SR No.28282

Writ Petition (MD).No.9005 of 2016

06.06.2016

VS

SH/ARK-PV/SAR-II:10.06.2016:3P/6C