

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 15.09.2017

CORAM

The HONOURABLE MR. JUSTICE M.DURAI SWAMY

W.P.No.5904 of 2014 and
M.P.Nos.1 & 2 of 2014

Perumpanai Varatharaja Perumal Deity,
rep by its Fit Person Kovil Vazhi
Muthanampalayam Village, Thirupur District. ... Petitioner

Vs

1.The Settlement Officer,
O/o Directorate of Land and Survey,
Chepauk, Chennai - 600 005.

2.The Assistant Settlement Officer,
O/o Directorate of Land and Survey,
Chepauk, Chennai - 600 005.

3.S.Jayabalan
4.P.Gopal
5.M.Sakthivel
6.R.N.Siva
7.S.Radhakrishnan

8.The Tahsildar,
Thirupur, Thirupur District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus calling for the records of the respondents culminating in the order of the 1st respondent dated 13.02.2013 bearing reference Na.Ka.E1/502/2013, quash the same, direct the 1st respondent to pass orders on the revision petition/appeal petition dated 18.01.2013 filed on 28.01.2013 under Section 5(2) of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963, Act No.30 of 1963 by Perumpanai Varatharaja Perumal Deity, rep by its Fit Person Kovil Vazhi, Muthanampalayam Village, Thirupur Taluk, Thirupur District after giving an opportunity of being heard to all the parties in accordance with law within a time frame.

For Petitioner : Mr.K.Ganesan
for M/s.C.Dharmaraj

For Respondents : Mr.T.V.Ramanujam, Senior Counsel,
for Mr.N.C.Ashok Kumar (R3 to R7)

Mr.R.Rajeswaran,
Special Government Pleader (R1, R2 & R8)

O R D E R

The petitioner has filed the above writ petition to issue a writ of certiorarified mandamus calling for the records of the respondents culminating in the order of the 1st respondent dated 13.02.2013 and to quash the same, direct the 1st respondent to pass orders on the revision petition/appeal petition dated 18.01.2013 filed on 28.01.2013 under Section 5(2) of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963, Act No.30 of 1963 by Perumpanai Varatharaja Perumal Deity, rep by its Fit Person Kovil Vazhi, Muthanampalayam Village, Thirupur Taluk, Thirupur District after giving an opportunity of being heard to all the parties in accordance with law within a time frame.

2.It is the case of the petitioner that the impugned order of the 1st respondent directing the Temple to file an appeal under Section 11(3) of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, to assail the order of the 2nd respondent said to have been passed under Section 21(3) (i) (a) of the Act is perse illegal and is liable to be set aside. Further, the petitioner contended that the 1st respondent has no jurisdiction to pass the impugned order.

3.When the matter is taken up for hearing, Mr.T.V.Ramanujam, learned senior counsel appearing for the respondents 3 to 7 submitted that the respondents 3 to 7 have no objection for allowing the Writ Petition and directing the 1st respondent to pass orders on the petition dated 18.01.2013 under Section 5(2) of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963.

4.Mr.R.Rajeswaran, learned Special Government Pleader appearing for the respondents 1, 2 & 8 also submitted that the impugned order may be set aside and the 1st respondent may be directed to pass orders on the revision petition/appeal petition dated 18.01.2013 under Section 5(2) of the Act.

5. In view of the submissions made by the learned counsel on either sides, the impugned order dated 13.02.2013 passed by the 1st respondent is set aside. The 1st respondent is directed to pass orders on the revision petition/appeal petition dated 18.01.2013 under Section 5(2) of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 in accordance with law, after giving notice to all the interested parties, within a period of four months from the date of receipt of a copy of this order.

6. With these observations, the Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Settlement Officer,
O/o Directorate of Land and Survey,
Chepauk, Chennai - 600 005.
2. The Assistant Settlement Officer,
O/o Directorate of Land and Survey,
Chepauk, Chennai - 600 005.
3. The Tahsildar,
Thirupur, Thirupur District.

+1 cc to the Government Pleader sr 68196
+1 cc to M/s.C.Dharmaraj Advocate sr 68409
+2 ccs to M/s.C.Prakasam Advocate sr 67690

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