



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

**W.P (MD) No.12700 of 2015
and
M.P (MD) Nos.1 and 2 of 2015**

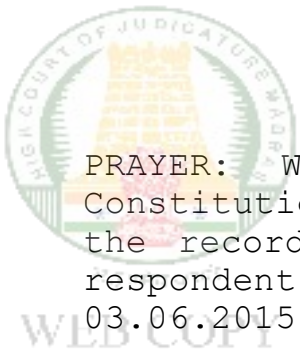
Arulmighu Lingammal Kovil Trust,
rep. By its President,
Ramasamy,
S/o Jayaram
136-A Kunthalapatti, Kunthalapatti Post,
Senguntrapuram Utkadai,
Virudhunagar District.

.. Petitioner

Vs.

- 1.The Collector,
District Collector Office,
Virudhunagar - 626 001.
- 2.The District Revenue Officer,
B.R.O office,
District Collector Office,
Virudhunagar - 626 001.
- 3.The Revenue Divisional Officer,
R.D.O. Office,
Aruppukottai,
Virudhunagar - 625 101.
- 4.The Thasildhar,
Virudhunagar Taluk,
Virudhunagar District.
- 5.Mr.Perumalsamy
Panchayat President,
Kunthalapatti Panchayath Office,
Virudhunagar District.
- 6.Mr.Balachandran
S/o Ilayaperumal Pillai,
Kundalapatti Post,
Senguntrapuram Post,
Virudhunagar District.

.. Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the impugned order passed by the third respondent vide office proceedings in Pa.Mu.A.1/2585/2015 dated 03.06.2015 and quash the same as illegal.

For Petitioner : Mr.R.Karunanidhi

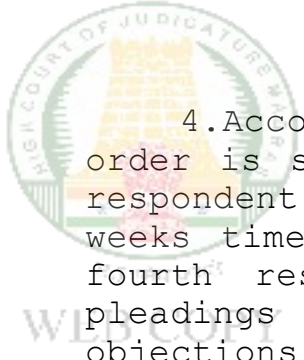
For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader
for R1 to R4
Mr.G.Mariappan for R5 and R6

ORDER

The petitioner is aggrieved against the order passed by the third respondent, dated 03.06.2015, wherein and whereby the patta No.459 standing in the name of Arulmighu Lingammal Kovil Trust has been transferred in the name of Arulmighu Lingammal Kovil. The petitioner is the above-said trust and challenging the impugned order mainly on the ground of violation of principles of natural justice. According to the petitioner, the third respondent is not justified in transferring the entry from the name of the petitioner trust to the name of the temple without giving notice to the petitioner and hearing them.

2.The learned counsel appearing for the petitioner reiterated the above said contention. On the other hand, the learned counsel appearing for the 5th respondent at whose instance the impugned order came to be passed, submitted that the very original entry made in the name of the petitioner trust was not correct and erroneous and therefore, the third respondent has rightly corrected the mistake and passed the impugned order.

3.The learned Additional Government Pleader though wants to sustain the order impugned in this writ petition, has however fairly conceded to the fact that the same came to be passed without affording an opportunity of hearing to the petitioner. When the impugned order is passed without following the principles of natural justice, the question of the permitting the petitioner to agitate the matter before the appellate authority does not arise. Equally this Court is also not inclined to go into the merits of the matter and decide as to whether the order passed by the third respondent on its merits can be sustained or not. Therefore, this Court is of the view that the matter has to go back to the third respondent so as to enable the parties to make their respective pleadings and objections before him for passing a



4. Accordingly, this writ petition is allowed and the impugned order is set aside and the matter is remitted back to the third respondent for fresh consideration. The petitioner is given two weeks time to file objections before the third respondent. The fourth respondent is also entitled to file their respective pleadings before the third respondent. On receipt of the objections and pleadings as stated supra, the third respondent shall consider the same and pass orders on merits and in accordance with law, after affording an opportunity of personal hearing also to the parties, within a period of twelve weeks thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

/True copy/

Sub Assistant Registrar

To

1. The Collector,
District Collector Office,
Virudhunagar - 626 001.
2. The District Revenue Officer,
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3. The Revenue Divisional Officer,
R.D.O. Office,
Aruppukottai,
Virudhunagar - 625 101.
4. The Thasildhar,
Virudhunagar Taluk,
Virudhunagar District.

+1 CC to M/s.R.KARUNANIDHI, Advocate, SR No. 10302
 +1 CC to M/s.THE SPECIAL GOVERNMENT PLEADER, SR No. 10491
 +1 CC to M/s.G.MARIAPPAN, Advocate, SR No. 10114
 SKN
 PSM/SV-MMS/09.03.2017/3P/8C

W.P (MD) No.12700 of 2015
 and

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