



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD) .No.15745 of 2017

A.K.Karuppanan

...Petitioner

-Vs-

1.The District Collector,
Madurai District,
Madurai-20.

2.The Special Officer /
The District Revenue Officer (Temple Lands),
Hindu Religious Charitable Endowment,
Ellis Nagar,
Madurai.

3.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Madurai-20.

4.The Thasildar,
Vadipatti Taluk,
Madurai-20.

5.The Executive Officer,
Arulmigu Sadayaperumal Temple,
Ramagoundanpatti,
C/o. Janagai Mariamman Thiru Kovil,
Sholavandan,
Vadipatti Taluk,
Madurai District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the fourth respondent to re-transfer the patta in the name of the petitioner for the R.S.No.67, to the extent of 2.38.0 hectares, situated at Ramagoundanpatti Village, Vadipatti Taluk, Madurai District in the light of the petitioner's representation dated 29.07.2017 within the time frame as fixed by this Court.



WEB COPY

For Petitioner : Mr.B.Murugan
For Respondent : Mr.C.Selvaraj,
Special Government Pleader
(For R1 to R4)
: Mr.Guhaseelarupan (for R5)

ORDER

This Writ Petition is filed seeking for issuance of a Writ of Mandamus directing the fourth respondent to re-transfer the patta in the name of the petitioner for R.S.No.67, to the extent of 2.38.0 hectares, situated at Ramagoundanpatti Village, Vadipatti Taluk, Madurai District in the light of the petitioner's representation dated 29.07.2017 within the time frame as fixed by this Court.

2. The case of the petitioner is that the land to an extent of 5 acres 88 cents in R.S.No.67 situated at Ramagoundanpatti Village, Vadipatti Taluk, Madurai District, originally belonged to C.Thumbatchi Ambalam and others. The petitioner purchased the lands by a registered sale deed dated 24.12.1993. A patta was also issued in favour of the petitioner. While so, the fourth respondent without providing opportunity to the petitioner directed the revenue authority to transfer the patta in the name of the fifth respondent/temple by an order dated 26.02.2016. Aggrieved over the order passed by the second respondent, the petitioner has filed a suit in O.S.No.23 of 2016 before the District Munsif Court, Vadipatti, seeking declaration and other consequential relief. During the pendency of the suit, the patta was transferred in the name of the fifth respondent. Hence, he gave a representation dated 29.07.2017, to re-transfer the patta in his name. Since no action was taken, the present writ petition.

3. Learned counsel appearing for the fifth respondent would submit that as per the order passed by the Settlement Tashildar in the year 1968, deity is entitled for patta and hence, the patta issued in favour of the temple Poojari, namely, C.Thumbatchi Ambalam was rightly cancelled by the second respondent. Since no interim order was passed in the suit, the fourth respondent transferred the patta name of the fifth respondent.

4. Heard Mr.B.Murugan, learned counsel appearing for the petitioner and Mr.C.Selvaraj, learned Special Government Pleader, appearing for the respondents 1 to 4 and Mr.Guhaseelarupan, learned counsel appearing for the 5th respondent.



5. It is an admitted fact that the order passed by the second respondent is under challenge in O.S.No.61 of 2016. As rightly submitted by the learned counsel appearing for the fifth respondent, the fourth respondent transferred the patta in the name of the fifth respondent pursuant to the order passed by the second respondent.

6. This Court of the considered opinion that the fourth respondent has rightly transferred the patta in the name of the fifth respondent and after disposal of the suit in O.S.No.61 of 2016, the petitioner is given liberty to approach the fourth respondent, if he is so advised. In view of the above fact, at this point of time, representation of the petitioner is not required to be considered by the respondents. In that view, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector,
Madurai District,
Madurai-20.
2. The Special Officer /
The District Revenue Officer (Temple Lands),
Hindu Religious Charitable Endowment,
Ellis Nagar,
Madurai.
3. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer, Madurai-20.
4. The Thasildar,
Vadipatti Taluk, Madurai-20.
5. The Executive Officer,
Arulmigu Sadayaperumal Temple,
Ramagoundanpatti,
C/o. Janagai Mariamman Thiru Kovil,
Sholavandan, Vadipatti Taluk, Madurai District.

+One cc to Mr.B.Murugan, Advocate, SR.No.74535

+2 ccs to M/s.C.Guhaseelarupan, Advocate, SR.No.73609

+One cc to The Special Government Pleader, SR.No.74255

rmk/skn

RL/10C/2P/GT/SAR1/11/9/2017

W.P(MD).No.15745 of 2017