



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.18998 of 2011 &
M.P.No.1 of 2011

1.Periyanna Gounder
2.Mani .. Petitioners
Vs.
1.The District Collector,
Salem, Salem District.
2.The Sub Collector,
Mettur Taluk, Mettur, Salem District.
3.The Thasildar,
Mettur Taluk,
Mettur, Salem District.
4.Chinnusamy
5.Sengodan
6.Pavayammal .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to pass orders on the representation dated 13.07.2011 given by the petitioner to the respondents 1 to 3.

For Petitioners : Mr.A.Sundaravadhanan
For Respondents : Mr.B.Anand
Government Advocate for R1 to R3

No appearance for R4

Mr.D.Selvaraju for R5 and R6

O R D E R

Heard Mr.A.Sundaravadhanan, learned counsel for the petitioners; Mr.B.Anand, learned Government Advocate for the respondents 1 to 3; Mr.D.Selvaraju, learned counsel for the respondents 5 and 6 and perused the materials available on record.



2. The petitioner has come forward with this Writ Petition praying for a direction to the respondents 1 to 3 to pass orders on the representation dated 13.07.2011.

3. The grievance of the petitioner is that the land in Survey No.717/5 situated at Alamarathipatti in Mettur Taluk belongs to Mariamman and Vinayagar Temples, but a patta was issued in favour of private respondents.

4. This Writ Petition has been filed based on the Judgment and Decree passed by the District Munsif Court, Mettur in O.S.No.683 of 1990 and Sub Court, Mettur in A.S.No.104 of 1999.

5. Mr.D.Selvaraju, learned counsel for the private respondents would state that in the suit in O.S.No.683 of 1990, the petitioner sought for a right of worship and the respondents have no objection. It is further contended that the respondents 4 to 6 have already filed a suit in O.S.No.7 of 2012 before the District Munsif Court, Mettur for declaration of title and for consequential relief and unless the right is decided by the Competent Civil Court, the petitioner cannot seek for patta in favour of the Temple.

6. Mr.A.Sundaravadhanan, learned counsel for the petitioners submitted that the suit came to be filed during the pendency of the Writ Petition and taking note of the relief sought for in the suit, the petitioners have to wait till a conclusion is reached in the Civil Suit.

7. In the light of the above submissions, this Writ Petition is disposed of with liberty to the petitioners to approach the Authorities, after disposal of litigations pending before the Civil Court. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Co)

//True Copy//

Sub Assistant Registrar

r n s
To

1.The District Collector,
Salem, Salem District.



2.The Sub Collector,
Mettur Taluk, Mettur, Salem District.

3.The Thasildar,
Mettur Taluk,
Mettur, Salem District.

+1cc to Mr.D.Selvaraju , Advocate SR.No. 67548

+1 CC TO GOVERNMENT PLEADER SR.NO. 67093

+1cc to Mr.A.Sundaravadhanam , Advocate SR.No. 66766

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ASK(01/11/2018)