

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.9601 of 2018

K.Balakrishnan

... Petitioner

Vs.

1.The Principal Secretary cum
Commissioner of Land
Administration Department,
Chepauk, Chennai - 600 005.

2.The District Collector,
Namakkal District, Namakkal.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 1st respondent to consider and pass orders on the appeal of the petitioner dated 24.10.2017 within a stipulated period and for giving reasonable opportunity of hearing to the petitioner.

For Petitioner : Mr.K.Selvaraj

For Respondents : Ms.S.Ramya Revathi,
Government Advocate

O R D E R

This Writ Petition has been filed seeking for issuance of Writ of Mandamus directing the 1st respondent to consider and pass orders on the appeal of the petitioner dated 24.10.2017 within a stipulated period by giving reasonable opportunity of hearing.

2.The petitioner claiming to be a hereditary trustee of Arulmighu Kalyana Venkataramana Perumalswamy Temple, Avathipalayam, Kaliyanur village, Agraharam Post, Pallipalayam, Komarapalayam Taluk, Namakkal District, has filed this Writ Petition seeking for a direction to the 1st respondent to consider the pending appeal dated 24.10.2017 filed as against the order passed by the District Collector on 09.10.2017 rejecting the request of the petitioner to issue patta in favour of the said Temple in respect of Survey No.24 measuring an extent of 3.95.0 hectares and Survey No.25 measuring an extent of 4.61.5 hectares.

3.The learned counsel appearing for the petitioner has submitted that the petitioner has already obtained an order from this Court in W.P.No.17313 of 2017 on 07.07.2017 directing the Tahsildar, Komarapalayam, the 6th respondent therein, to consider his application dated 02.01.2017 wherein he has made a prayer for issuance of patta in respect of the lands belonging to the aforementioned Temple. By virtue of the order dated 07.07.2017, the 6th respondent has also fixed an enquiry on 20.10.2017. But one day prior to the date of enquiry, (i.e.) on 19.10.2017 itself, the 6th respondent has passed an order stating that the lands in Survey Nos.24 & 25 belongs to the Government. As against the said order dated 19.10.2017, the petitioner has preferred an appeal before the District Collector, who has also though partly agreed with the case of the petitioner that the lands in Survey Nos.115/7 and 127/1 are temple property, refused to recognize the lands covered in the Survey Nos.24 & 25 in favour of the petitioner. Therefore, the petitioner has preferred an appeal before the 1st respondent and the same is pending.

4.The learned Government Advocate appearing for the respondents has submitted that the appeal filed by the petitioner on 24.10.2017 will be considered and orders will be passed within eight weeks.

5.This Court, without going into the merits of the matter, directs the 1st respondent to consider and pass appropriate orders in the pending appeal dated 24.10.2017 of the petitioner within a period of eight weeks from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioner and all necessary parties.

6.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
सत्यमेव जयते

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Secretary cum
Commissioner of Land Administration Department,
Chepauk, Chennai - 600 005.
 - 2.The District Collector,
Namakkal District, Namakkal.
- + 1 cc to Mr. K. Selvaraj, Advocate Sr.29054
+ 1 cc to Government Pleader Sr.29169

W.P.No.9601 of 2018

GJ (CO)

<https://hcservices.ecourts.gov.in/hcservices/>
EU (28/03/2018)