

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 5.9.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.1916 of 2018

G.Balasubramanian

Appellant

Versus

1 The Tahsildar and Record of
Tenancy Rights Officer
Coimbatore(North)
Coimbatore.

2 Krishnar Temple
Rep. by its Fit Person
Pannimadai
Office at
A/M.Kulanthai Velayuthasamy Temple
Karunthamalai Karamadai Post
Mettupalayam Taluk
Coimbatore-641 104.

Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 4.7.2018 passed in W.P.No.16382 of 2018 on the file of this court.

WP.NO.16382/2018:

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 1st respondent herein the dispose of the un-numbered application in T.R.No... of 2018 dated 12.04.2018 filed before the 1st respondent herein on merits within a stipulated time.

For appellant : Mr.V.P.K.Gowtham

For R1 : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

For R2 : Mr.Maharajan,
Special Government Pleader (HR&CE)

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant, Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader for the first respondent and Mr.Maharajan, learned Special Government Pleader for the second respondent are directed to take notice.

2. The writ appeal has been filed by the writ petitioner challenging the order passed by the learned Single Judge in dismissing the writ petition filed by him which sought for a direction to dispose the unnumbered application in T.R.No. of 2018 dated 12.4.2018 on the file of the first respondent.

3. Claiming tenancy right as cultivating tenant to the temple land to the extent of about 5 acres in Pannimadai Village, as the legal heir of his father V.S.Gopalswamy, who is shown to had been the cultivating tenant as per T.R.No.21 of 1978, the appellant had filed an application seeking to modify the existing entry so as to record his name as the cultivating tenant and since the same has not even been numbered, he had come up with the writ petition.

4. The learned Single Judge, having found that the appellant/writ petitioner is unable to produce any document to show that he is physically cultivating the lands after the death of his father, dismissed the writ petition.

5. However, the learned counsel appearing for the appellant would submit that the appellant has got all the documents with respect to payment of rent and has got a better case and that has not been taken note of by the learned Single Judge.

6. In view of the above submission, in modification of the order passed by the learned Single Judge, the appellant/writ petitioner is permitted to produce the documents available with him before the Tahsildar concerned to substantiate all his contentions who shall, conduct an enquiry and take a decision, after affording opportunity to the appellant and also the temple authorities and pass orders in accordance with law. The writ appeal is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ssk.

To:

- 1 The Tahsildar and Record of
Tenancy Rights Officer
Coimbatore(North)
Coimbatore.

+1cc to Government Pleader sr.no.62141
+1cc to Mr.V.P.K.Gowtham, Advocate sr.no.61112
+1cc to Special Government Pleader(HR & CE) sr.no.61586

W.A.No.1916 of 2018

spd(co)
nr 16/10/2018

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