

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.9707 of 2010 and
M.P.No.1 of 2010

1.C.Rakkiyappan
2. R.Ezhilarasu

... Petitioners

P2 impleaded as per order dated 11.01.2018
made in M.P.No.1 of 2014 in W.P.No.9707 of 2010

Vs

1. The Commissioner,
Hindu Religious and Charitable Endowments,
Department, Nungambakkam,
Chennai 600 034.
2. The Assistant Commissioner,
Hindu Religious and Endowments
Department, Salem-1.
3. The Executive Officer,
Murugan Temple,
Mettur Taluk,
Salem District.
4. The Executive Officer,
Mettur Municipality,
Mettur Taluk,
Salem District.
5. The District Collector,
Collector's Officer,
Salem District.
6. The Tahsildar,
Taluk Office,
Mettur, Salem District.
7. The Village Administrative Officer,
Amman Navapatti Village,
Mettur Taluk, Salem District.

... Respondents

PRAYER :

Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, to direct the respondents 1 to 4 to forbear them in any manner interfering with the petitioner's possession and enjoyment of land at S.No.6/17, to an extent of 0.0486.0 sq.mt. at Rajaganapathi Nagar, Mettur Dam, Mettur Taluk, Salem District.

For Petitioners : Mr.M.Elango

For Respondents : Mr.M.Maharaja,
Special Government Pleader
for RR1 & 2

: Mr.V.Srikanth for R3

: Mr.S.Saravanan for R4

: Mr.T.M.Pappiah,
Special Government Pleader
for RR5 to 7

O R D E R

Heard Mr.M.Elango, learned counsel for the petitioners and Mr.M.Maharaja, learned Special Government Pleader appearing for the first and second respondents, Mr.V.Srikanth, learned counsel appearing for the third respondent, Mr.S.Saravanan, learned counsel appearing for the fourth respondent and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the fifth to seventh respondents.

2. The petitioners have approached this Court, seeking the following relief,

"To issue a writ of Mandamus, to direct the respondents 1 to 4 to forbear them in any manner interfering with the petitioner's possession and enjoyment of land at S.No.6/17, to an extent of 0.0486.0 sq.mt. at Rajaganapathi Nagar, Mettur Dam, Mettur Taluk, Salem District."

3. The case of the petitioners is as follows:-

The apprehension of the petitioners is that the respondents 1 to 4 herein may take possession of the land under their enjoyment in Survey No.6/17, to an extent of 0.0486.0 sq.mt. illegally. According to the petitioners, the patta stands in their name and without any authority of law, the respondents 1 to 4, attempting to interfere with the rights of the petitioners.

4. When the matter was taken up for hearing, it is submitted by the learned counsel appearing for the respondents 1 to 4 herein that there was a wrong entry in the revenue records and the HR & CE Department had approached the Sub Collector for change of patta in favour of the temple. An application was made to that effect on 11.09.2013 itself and the same has not been disposed of as on date. Therefore, learned counsel would request this Court to give direction to the Sub Collector, Mettur, Salem District, to dispose of the application for change of patta dated 11.09.2013, within a stipulated time.

5. At this, learned counsel for the petitioners would submit that till the decision is taken by the competent authority, the petitioners' possession has to be protected and the petitioners ought not be disturbed, since they are being in occupation of the place for several years.

6. Considering the request of the petitioners and also the submissions made on behalf of the learned counsel for the respondents, the following direction is issued to the Sub Collector, mettur, Salem District, to dispose of the application filed on behalf of the HR & CE Department dated 11.09.2013, on merits and in accordance with law. After affording an opportunity of personal hearing to the petitioners, an order shall be passed by the competent authority, within a period of twelve weeks from the date of receipt of a copy of this order. In the meanwhile, the respondents or temple authorities should not attempt to interfere with the enjoyment of the possession of the petitioners in the subject land.

7. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

gsk

To

1. The Commissioner,
Hindu Religious and Charitable Endowments,
Department, Nungambakkam,
Chennai 600 034.

2.The Assistant Commissioner,
Hindu Religious and Endowments
Department, Salem-1.

3.The Executive Officer,
Murugan Temple,
Mettur Taluk, Salem District.

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6.The Tahsildar,
Taluk Office,
Mettur, Salem District.

7.The Village Administrative Officer,
Amman Navapatti Village,
Mettur Taluk, Salem District.

+1cc to Mr.M.Elango, Advocate in sr.no.3011

+1cc to Mr.S.Saravanan, Advocate in sr.no.2699

W.P.No.9707 of 2010

rsy(co)
cs/12/04/18



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