

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.2819 of 2018

Hari Govindha Iyer Dharma Trust
rep. By its Managing Trustee,
R.K.Kamalakaran,
No.153, Kasukadai Street,
Chidambaram 608 001.

... Petitioner

Versus

The Commissioner,
Municipal Office, Chidambaram,
Cuddalore District - 608 001.

... Respondent

Prayer:

The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the respondent to dispose of the petitioner's representation dated 07.11.2017 forbearing from name change and tax in any records and in any manner and whatsoever with regard to the land measuring an extent of 2,741 Sq.ft comprised in town survey No.516, Door No.153, Ward No.6, Block No.7, Kasukkadai Street, Chidambaram, Cuddalore District.

For Petitioner: Mr. S.Rajkumar

For Respondent: Mr.V.Shanmuga Sunder
Special Government Pleader

O R D E R

The petitioner has come up with the present for issuance of a Writ of Mandamus to direct the respondent to dispose of the petitioner's representation dated 07.11.2017 forbearing from name change in any records and in any manner, whatsoever with regard to the land measuring an extent of 2,741 Sq.ft comprised in town survey No.516, Door No.153, Ward No.6, Block No.7, Kasukkadai Street, Chidambaram, Cuddalore District.

2. Heard Mr. S.Rajkumar, learned counsel appearing for the petitioner, and Mr.V.Shanmuga Sunder, learned Special

Government Pleader appearing for the respondent and perused the records.

3. By consent of both sides, this writ petition is taken up for final hearing.

4. The learned counsel for the petitioner stated that the petitioner's grand father Mr.N.Hari Govinda Iyer was the absolute owner of the property measuring an extent of 2,741 Sq.ft. in town survey No.516, Door No.153, Ward No.6, Block No.7, Kasukkadai Street, Chidambaram, Cuddalore District, and he executed a trust deed dated 09.03.1931, and gifted the property in favour of the trust.

5. It is further submitted that, as per the trust deed, no one has any right to either encumber or alienate the property. Originally the grand father of the petitioner and his father R.H.Krishnamoorthy, were the trustees and after the demise of his grand father, the petitioners father R.H.Krishnamoorthy functioned as trustee. When the trust deed prohibits alienation, the petitioner's father sold the property to one S.A.Rasheed. Challenging the sale, the petitioner instituted a suit in O.S.No.610 of 1987, before the first Additional Subordinate Judge, Madurai, for declaration and recovery of possession and the suit was decreed on 08.03.1999. Based on the decree, the petitioner filed an execution petition E.P.No.70 of 1999 and took delivery of possession.

6. The petitioner would claim that he has been in the possession and enjoying the property and Revenue Records were transferred in the name of the petitioner. While so, the said Mr.S.A.Rasheed, settled the property in favour of his daughter by a settlement deed dated 21.06.2017, registered as document No.1622 of 2017, in the office of the Sub Registrar, Chidambaram. According to the petitioner the settlor had no right to settle the property, but by taking advantage of the settlement deed they attempted to change the Revenue Records. Hence, the petitioner gave a representation on 07.11.2017. Since no order was passed, the petitioner has come up before this Court.

7. The learned counsel for the petitioner submitted that the petitioner would be satisfied, if a direction is issued to the respondent to consider the representation of the petitioner.

8. The learned Special Government Pleader appearing for the respondent submitted that the representation would be considered in accordance with law.

9. In the light of the above submissions made by learned counsels on either sides, this Court without going into the

merits of the case, directs the respondent to take appropriate action on the representation of the petitioner dated 07.11.2017 on merits and in accordance with law, after providing an opportunity to all the necessary parties, within a period of eight weeks from the date of receipt of a copy of this order.

10. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

stm

To

The Commissioner,
Municipal Office, Chidambaram,
Cuddalore District - 608 001.

+1 CC TO MR.S.Rajkumar, Advocate SR. No.10239
+1 CC TO The government Pleader SR.NO.11021

KJI (CO)
RMP (26/03/2018)

W.P.No.2819 of 2018

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