

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. No.8913 of 2012

and

M.P. No.1 of 2012

1. V.S.Viswanathan
2. S. Samiyathal
3. V.S.Venkatachalam
4. Venkatalakshmi
5. Periyamayaki
6. Nagarathinam

... Petitioners

Versus

1. The District Collector,
Office of the District Collector,
Tirupur.
2. The Thasildar,
Office of the Thasildhar,
Kangeyam.
3. Sri Subramaniaswami Sivanmalai,
Rep. By its Executive Officer,
Sivanmalai.

... Respondents

Writ petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus by directing the respondents 1 and 2 to consider the representations of the petitioner dated 12.05.2010 and 15.02.2012 and issue patta to the petitioners with respect to the vacant land property in S.No.329/A admeasuring about 10 acres and 32 cents located at Uthiyur Village, Kangeyam Taluk.

For petitioner : Mr.A. Vinupradha for Mr.Arunkumar Rajan

For respondents : Mr.D.Venkatachalam
Additional Government Pleader for RR 1 & 2
Mr.M.Sriram for R3

ORDER

The father of petitioners filed a suit in O.S. No.93 of 1977 before the District Munsif Court, Dharapuram against the 3rd

respondent for declaration and permanent injunction with regard to the vacant land property, in Survey No.329/A measuring about 10 acres and 32 cents located at Uthiyur village, Kangeyam Taluk .

2. The third respondent herein contested the suit on behalf of the said temple stating that the suit property belonging to the temple. However, the suit was decreed in favour of the petitioners' father and it was also confirmed by the Second Appeal No.1472 of 1986, dated 01.12.1998. A review application was filed against the Second Appeal and in the meanwhile, the petitioners' father died, and he being the legal heir, he was impleaded in the said review application. On behalf of petitioners, an undertaking was given to that effect that they are willing to gift certain pieces of land to the third respondent temple and also executed a gift deed dated 05.08.2002, On the basis of the said undertaking the review application was closed and further the gift deed has also been effected in favour of the third respondent.

3. In the above said circumstances, the petitioners represented the first and second respondents by the representations dated 12.05.2010 and 15.02.2012 for grant of patta in respect of the property in Survey No.329A, measuring about 10 acres and 32 cents . However, it appears that no action has been taken on the representations said to have been submitted by the petitioners. Therefore, the petitioners are before this Court seeking for issue of writ of Mandamus.

3. Upon notice Mr. D.Venkatachalam, learned Additional Government Pleader has entered appearance for respondents 1 and 2 and Mr.M.Sriram, learned counsel has entered appearance for R3.

4. When the matter is taken up for hearing, the learned counsel for the petitioners would submit that it would suffice to direct the second respondent to dispose of the representation within the time stipulated by this Court for which, the learned counsel for the respondent has reported no objection.

5. In the above circumstances, this Court directs the second respondent to dispose of the representations said to have been made by the petitioners on 12.05.2010 and 15.02.2012 within a period of eight weeks from the date of receipt of the copy of the order on merits and in accordance with law. It is also open to the petitioners to submit a fresh representation

in this regard. With this direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Asst.Registrar (CS IX)

/true copy/

Sub Asst. Registrar

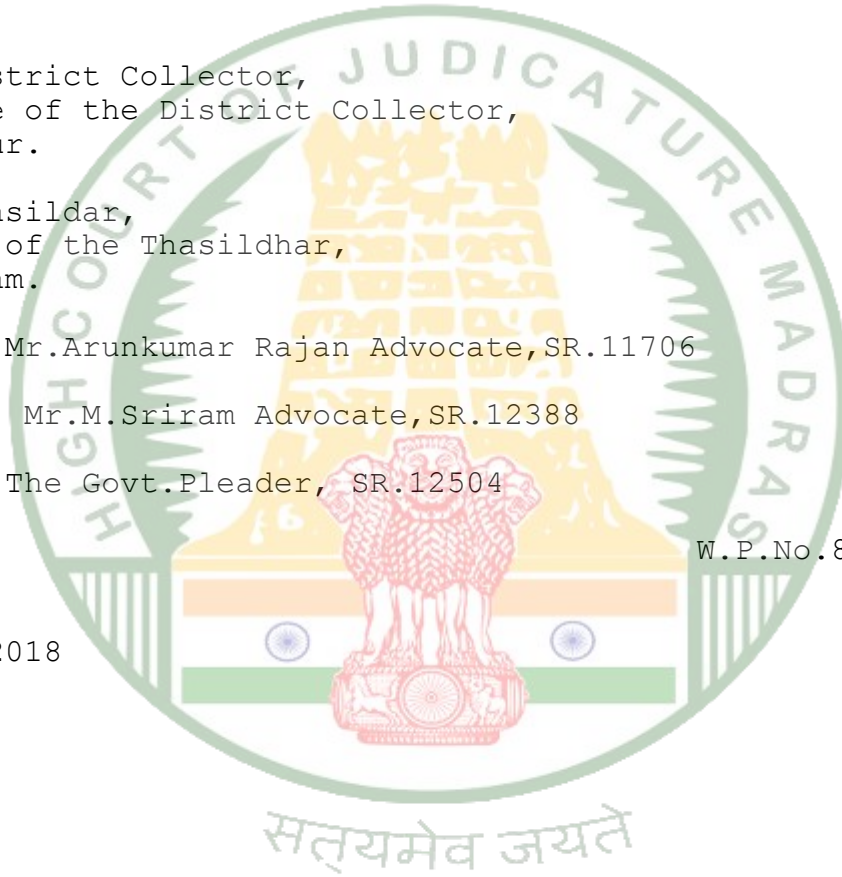
vsi2

To

1. The District Collector,
Office of the District Collector,
Tirupur.
2. The Thasildar,
Office of the Thasildhar,
Kangeyam.
- + 1 cc to Mr.Arunkumar Rajan Advocate,SR.11706
- + 1 cc to Mr.M.Sriram Advocate,SR.12388
- + 1 cc to The Govt.Pleader, SR.12504

W.P.No.8913 of 2012

rj(co)
nr 22/03/2018



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