



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.21967 of 2017
and
W.M.P.(MD)No.18281 of 2017

Kandasamy Naidu

... Petitioner

-Vs-

1.The Tahsildar,
Taluk Office,
Theni District.

2.The Revenue Divisional Officer,
Periyakulam, Theni District.

... Respondents

(R2 is suo motu impleaded vide Court order dated 20.03.2018)

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the respondent in Na.Ka.No.525/2017/A3 dated 10.10.2017 served on 14.11.2017 quash the same and consequently direct the respondent to issue joint patta in the name of temple and its trustee/poojari viz., Kandasamy Naidu, the petitioner herein for proper and effective management of the temple and its property.

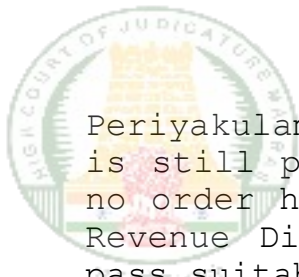
For Petitioner : Mr.K.Appadurai
For Respondents : Mr.Aayiram K.Selvakumar,
Additional Government Pleader.

ORDER

This writ petition has been filed, challenging the order passed by the first respondent / Tahsildar rejecting the petitioner's request for grant of patta.

2.Admittedly, against the order passed by the Tahsildar, an appeal is provided before the Revenue Divisional Officer. Thereafter, a revision is provided before the District Revenue Officer. But, without availing such remedy, the petitioner filed this writ petition, challenging the order passed by the Tahsildar.

3.Today, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that already the petitioner filed an appeal before the Revenue Divisional Officer,



Periyakulam, Theni District as early as on 22.11.2017, and the same is still pending with the Revenue Divisional Officer. But, so far, no order has been passed, and submitted that it is suffice, if the Revenue Divisional Officer is directed to consider the appeal and pass suitable orders.

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4. Since the Revenue Divisional Officer, Periyakulam, Theni District is not a party in the writ petition, this Court suo motu impleaded the Revenue Divisional Officer, Periyakulam, Theni District as second respondent in this writ petition.

5. Considering the limited prayer sought for in the writ petition, the second respondent / the Revenue Divisional Officer, Theni District, is directed to consider the petitioner's appeal, and pass suitable orders on merits and in accordance with law, after issuing notice to the petitioner as well as the rival claimants, if any, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Tahsildar,
Taluk Office,
Theni District.

2. The Revenue Divisional Officer,
Periyakulam, Theni District.

+1cc to M/S.K.Appadurai, Advocate SR.No. 56398
+1cc to Special Government Pleader, SR.No. 56690

W.P (MD) No.21967 of 2017
20.03.2018

myr

JM/JC/SAR 1/28.03.2018/2P/5C