

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.3980 of 2019
and
W.M.P.No.4428 of 2019

1.A.M.Shanmugam

2.R.Shanmugasundaram

... Petitioners

Vs

1. The Commissioner of Land Administration,
Chepauk, Chennai - 5.
2. The Collector,
Namakkal District, Namakkal.
3. The Revenue Divisional Officer,
Tiruchengode, Namakkal District.
4. The Tahsildar,
Komarapalayam Taluk, Komarapalayam,
Namakkal District.
5. The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Namakkal.
6. The Executive Officer,
Arulmighu Kalyana Venkataramana Perumal Koil,
Avathipalayam,
Kaliyanur Village, Agraharam Post,
Komarapalayam Taluk,
Namakkal District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 2 to 4 not to disturb or evict the petitioners from the lands situated in S.Nos.24, 25 and 124 of Kaliyanur Village, Komarapalayam Taluk, Namakkal District till the disposal of the appeal pending before the 1st respondent dated 24.10.2017.

For Petitioners: Mr.S.Doraisamy

For Respondents: Mr.S.N.Parthasarathy,
Government Advocate for R1 to R4
Mr.M.Maharaja,
Special Government Pleader for R5 & R6

O R D E R

This writ petition is filed seeking for a Mandamus, directing the respondents 2 to 4 not to disturb or evict the petitioners from the lands situated in S.Nos.24, 25 and 124 of Kaliyanur Village, Komarapalayam Taluk, Namakkal District till the disposal of the appeal pending before the 1st respondent dated 24.10.2017.

2. Heard both sides.

3. The petitioners claimed to be the hereditary trustee of Arulmighu Kalyana Venkataramana Perumalswamy Temple, Avathipalayam, Kaliyanur Village, Agraharam Post, Pallipalayam, Komarapalayam Taluk, Namakkal District. They sought for issuance of patta in respect of the subject matter land, which was rejected by the District Collector on 09.10.2017. Challenging the said order of the District Collector, the petitioners preferred an appeal before the first respondent dated 24.10.2017. The said appeal is still pending. Now, the present writ petition is filed by complaining that the respondents are trying to disturb the petitioners from the subject matter land situated at Survey Nos.24, 25 and 124 of Kaliyanur Village, Komarapalayam Taluk, Namakkal District.

4. It is seen that this Court has already passed an order in a writ petition in W.P.No.9601 of 2018 dated 18.04.2018, directing the appeal to be disposed of within a period of eight weeks, after affording an opportunity of personal hearing to the petitioner and all the necessary parties. However, the said appeal is still pending.

5. Needless to say that when an order was already passed by this Court to dispose of the appeal within the time stipulated, the first respondent cannot keep the matter pending without passing any orders. Therefore, the first respondent is directed to comply with the order passed by this Court in W.P.No.9601 of 2018 dated 18.04.2018 within a period of four weeks from the date of receipt of a copy of this order. Till an order is passed by the first respondent, the status quo as on today shall be maintained by both the parties in respect of the subject matter land.

6. With the observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

gsi/vsi

To

1. The Commissioner of Land Administration,
Chepauk, Chennai - 5.
2. The Collector,
Namakkal District, Namakkal.
3. The Revenue Divisional Officer,
Tiruchengode, Namakkal District.
4. The Tahsildar,
Komarapalayam Taluk, Komarapalayam,
Namakkal District.
5. The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Namakkal.
6. The Executive Officer,
Arulmighu Kalyana Venkataramana Perumal Koil,
Avathipalayam,
Kaliyanur Village, Agraharam Post,
Komarapalayam Taluk, Namakkal District.

+1 cc to Mr.S.Doraisamy, Advocate, S.R.No.33016

+1 cc to the Government Pleader, S.R.No.33617, 34061

RR(CO)
SSM(08/05/2019).

W.P.No.3980 of 2019