

CMP.No.7679 of 2019 in WA.No.294 of 2019

T.S.SIVAGNANAM,J

AND

V.BHAVANI SUBBAROYAN,J

Order of the Court was made by T.S.SIVAGNANAM,J

This is a petition filed by the petitioner seeking to modify the directions issued by this Court in its judgment dated 06.2.2019 in the above writ appeal in paragraph 19(1), which reads as follows :

*"The appellant is directed to surrender possession of the land to an extent of 10 acres, which is stated to be lying vacant, to the third respondent Mutt within two weeks from the date of receipt of a copy of this judgment."*

2. It is submitted by the learned counsel for the petitioner that the extent of land, which they have to surrender is 8.066 acres instead of 9.47.05 acres. Therefore, the learned counsel seeks appropriate modification.

3. Along with this petition, a typed set of papers has been filed, in which, the extent of the property has been mentioned as hereunder :

"I. Mango Garden :

| S.No | Survey No. | Sub-Division | Hectare | Are   | Acre  |
|------|------------|--------------|---------|-------|-------|
| 1    | 125        | 1            | 2       | 33.0  | 5.757 |
| 2    | 125        | 2            | 0       | 14.0  | 0.375 |
| 3    | 125        | 3            | 0       | 79.5  | 1.964 |
|      |            |              |         | Total | 8.066 |

## II. Existing Building Area :

| <i>S. N</i> | <i>Survey No.</i> | <i>Sub-Division</i> | <i>Hectare</i> | <i>Are</i>   | <i>Acre</i>     |
|-------------|-------------------|---------------------|----------------|--------------|-----------------|
| 1           | 128               |                     | 2              | 33           | 5.757           |
| 2           | 129               | 2                   | 2              | 54.5         | 3.72.05<br>part |
| 3           |                   |                     |                |              |                 |
|             |                   |                     |                | <i>Total</i> | 9.47.05         |

4. Mr.S.Sounthar, learned counsel appearing for the third respondent Mutt submits that the Mutt is ready to take over possession of the land in question, but prior to that, a survey has to be conducted in the presence of the representative of the Mutt as well as the officials of the Hindu Religious and Charitable Endowment Department and after the survey is completed and the exact extent is ascertained, the Mutt is ready and willing to accept the possession of the land in question.

5. We have also heard the learned Special Government Pleader appearing for respondents 1 and 2.

6. There will be a direction to the petitioner to immediately apply to the concerned Revenue Authorities/Tahsildar of the concerned area for conducting a survey of the land. The cost of the survey shall be borne by the petitioner and the survey shall be conducted by the Revenue Officials in the presence of the officials of the Hindu Religious and Charitable Endowment Department and the representative of the third respondent Mutt, within a period of two weeks from the date, on which, the application is made by the

petitioner trust. On successful completion of the survey and ascertainment of the correct extent, the property shall be handed over to the third respondent Mutt. **Paragraph 19(i) of the judgment dated 06.2.2019 in W.A.No. 294 of 2019 is modified accordingly.**

7. In paragraph 19(iii) of the judgment dated 06.2.2019, we issued the following direction :

*"In respect of the land measuring about 7 acres, in which, the polytechnic college is functioning, the possession shall not be disturbed for a period of three months from the date of receipt of a copy of this judgment to enable the appellant to move the proper Authority under the provisions of the Act for appropriate order."*

8. The learned counsel for the petitioner submits that time may be extended to enable them to approach the concerned Authority under the provisions of the Statute for appropriate orders.

9. The time limit prescribed by us in the judgment dated 06.2.2019 in W.A.No.294 of 2019 is extended by six months from the date of receipt of a copy of this order.

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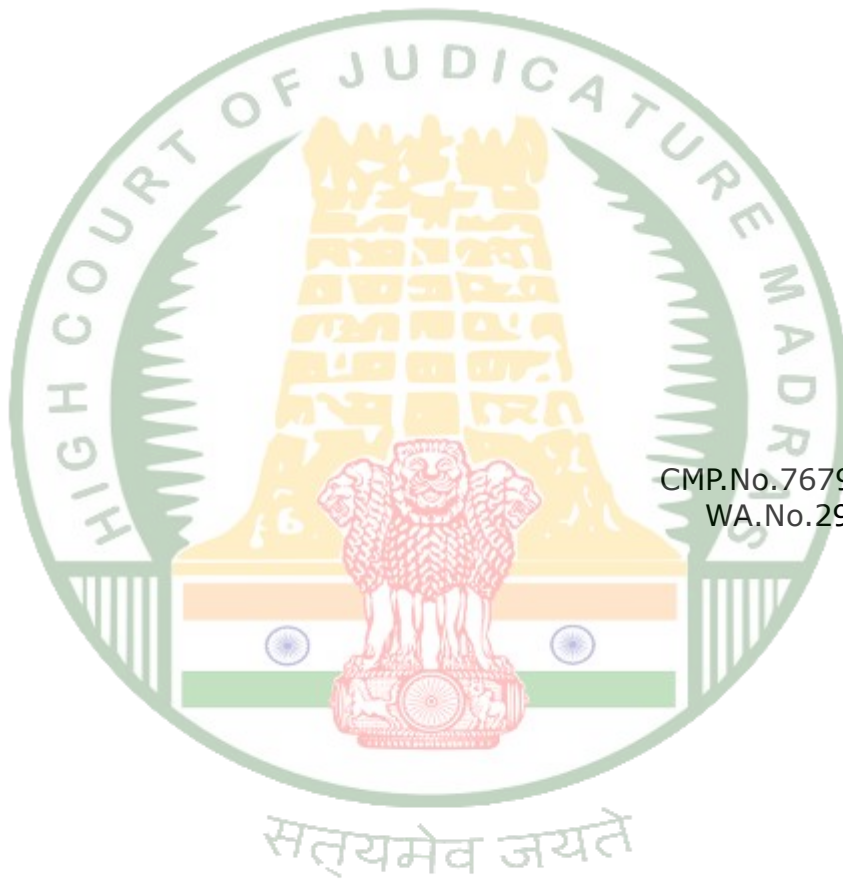
(T.S.S.J.) (V.B.S.J.)  
30.8.2019

RS

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