

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2019

CORAM::

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.NO.26753 OF 2019

K.Gunasekaran,
S/o.Kuppusamy,
No.9/76, VOC Nagar,
Theyur, Kilvelur Taluk,
Nagapattinam District.

... Petitioner

/versus/

1. The District Collector,
Nagapattinam District,
Nagapattinam.
2. The Tahsildar,
Taluk Office,
Kilvelur Taluk,
Nagapattinam District.
3. The Executive Officer,
Vedhakudieswarar Thirukoil,
Theyur, Kilvelur Taluk,
Nagapattinam District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the respondents to consider the representation given by the petitioner dated 31.07.2019 within stipulated time may be fixed by this Hon'ble Court.

For Petitioner : Mr.P.Muthamizh Selvakumar

For R1 to R3 : Mr.D.Raja,
Additional Government Pleader

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Additional Government Pleader for the respondents.

2. The case of the petitioner is that, the property in

S.No.32 to an extent of 71 Kui at Theyur, Kilvelur Taluk, Nagapattinam District, which he purchased from one Velusamy S/o.Soundarajan, in the year 1989. After the purchase, he is cultivating the land. The property is in possession and enjoyment, without any hindrance. While so, the Village Administrative Officer, came to his property and demanding kist since, he was in continuous possession of the land for more than 32 years, he seeks for issuance of Patta.

3. The Learned Additional Government Pleader appearing for the respondents would submit that, the representation of the petitioner dated 31.07.2019 seeking patta cannot be acceded since, the property belongs to Devapurishvarar Temple, Nagapattinam District. The petitioner himself has admitted in the affidavit that, the property belongs to Devapurishvarar Temple. While so, the request of the petitioner, seeking patta to the Temple land is without any basis or right. Hence, the Writ Petition is not maintainable and liable to be dismissed.

4. When the matter is taken for admission on 06.09.2019, this Court directed the petitioner herein to show any documents to substantiate his averments made in the affidavit. The petitioner took adjournment and when the case is listed today i.e., 09.09.2019, the Learned Counsel for the petitioner could not furnish any documents to show title over the property. The documents relied by the petitioner are the receipts given by the Temple Authorities, several years ago, for the lease amount paid by some other tenant. The document which stands in the name of the petitioner is receipt towards lease charge of Rs.12 paid on 24.05.1991. This piece of evidence is not sufficient to sustain the request, more so to issue patta of a land which admittedly owned by the Temple.

5. With the aforesaid observation, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

bsm

To

1. The District Collector,
Nagapattinam District,
Nagapattinam.
2. The Tahsildar,
Taluk Office,
Kilvelur Taluk,
Nagapattinam District.
3. The Executive Officer,
Vedhakudieswarar Thirukoil,
Theyur, Kilvelur Taluk,
Nagapattinam District.

+1cc to Mr.P.Muthamizh Selvakumar, Advocate, S.R.No.78075
+1cc to the Government Pleader, S.R.No.78111

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SS (CO)
CS/10/10/2019



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