



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

AND

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A(MD)NO.625 OF 2019

and

C.M.P(MD)No.5254 of 2019

Sri Gurunathan Temple,
Tuvurangurichi Village,
Marungapurai Taluk,
Trichy District.

:Appellant/5th respondent

.vs.

1.M.Andal

2.The District Collector,
Trichy District,
Trichy.

3.The Revenue Divisional Officer,
RDO Office,
Manapparai,
Trichy District.

4.The Tahsildar,
Taluk Office,
Marungapuri,
Trichy District.

5.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Manapparai,
Trichy District.

: Respondents/Respondents
1 to 4

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent
praying this Court to set aside the order passed by this Court in
W.A(MD) No. 625 of 2019, dated 11.04.2019.



Prayer in WP(MD). 3648 of 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to issue Enjoyment Patta (Uzhavadai Patta) and incorporate the petitioner names in the Revenue Records like Chitta, Adangal, A Register etc., along with Sri Gurunathar Temple in respect of the property in S.No.240/B (27 cents) of Tuvarankurichy village, Marunkapuri Taluk, Trichy District by considering the petitioners representation dated 12.12.2018

For Appellant : Mr.AN.Ramanathan

For Respondents : Mr.N.Shanmugaselvam
2 to 5 Addl.Govt.Pleader

JUDGMENT

[Judgment of the Court was made by **SENTHILKUMAR RAMAMOORTHY.,J.**]

This Writ Appeal is filed in respect of the order, dated 11.04.2019 in W.P(MD)No.3648 of 2019, whereby, the third respondent was directed to pass orders on the Petitioner's application on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of the order.

2.The case of the appellant is that the Petitioner therein/first respondent herein did not submit an application to be treated as a tenant of the temple and that therefore, the Petitioner is not entitled to be considered as a tenant. In effect, the case of the appellant is that the Writ Petition itself was not maintainable.

3.Heard the learned counsel appearing on behalf of the appellant and the learned Special Government Pleader appearing on behalf of the respondents 2 to 5.

4.On a perusal of the impugned order, We find that the Writ Court has directed the third respondent to consider the Petitioner's application, on merits after putting all interested parties, particularly, the fifth respondent therein/appellant herein on notice before passing the final order. Accordingly, the appellant herein would be in a position to raise all objections including maintainability, when the representation is considered by the third respondent, after putting the appellant herein on notice as per the impugned order. Accordingly, We are of the view that the appellant is not adversely affected by the impugned order.



5. In the result, the Writ Appeal is dismissed, with liberty to the appellant to raise all objections before the third respondent when the representation of the first respondent herein is considered. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

vsn

To

1. The District Collector,
Trichy District,
Trichy.
2. The Revenue Divisional Officer,
RDO Office,
Manapparai,
Trichy District.
3. The Tahsildar,
Taluk Office,
Marungapuri,
Trichy District.
4. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Manapparai,
Trichy District.

+1CC TO MR. AN. RAMANATHAN, Advocate Sr. No. 70836

JUDGMENT MADE IN
W.A (MD) NO. 625 OF 2019
and
C.M.P (MD) No. 5254 of 2019
21.06.2019

KMK (CO)
TR (02.07.2019) 3P 6C