



WEB COPY

W.P(MD)No.23805 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P (MD)No.23805 of 2019

and

W.M.P (MD)Nos.20411 and 20412 of 2019

Sumathi

... Petitioner

Vs.

1.The Assistant Commissioner,
Srirangam Division,
Trichirappalli Municipal Corporation,
Trichirappalli.

2.The Joint Commissioner,
Arulmighu Sri Renganatha Swamy Devasthanam,
Srirangam,
Trichy District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in தி.வி.க.வி.எண்.107/2019/எம்1 (யுஓ) dated 22.05.2019 and consequential impugned order in Na.Ka.F1/1993/2019/யுஓ dated 20.08.2019 passed by the 1st respondent and quash the same as arbitrary, illegal and without any legal basis and in consequence thereof direct the 1st respondent to grant approval for renovation of a building situated in Town Survey No.1791/2011 at Door No.48, V.O.C. Street, Srirangam, Trichirappalli.

For Petitioner	: Mr.P.Ganapathi Subramanian
For R-1	: Mr.N.S.Karthikeyan
For R-2	: Mr.M.Saravanan

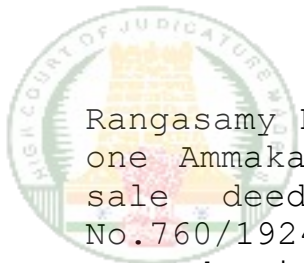
ORDER

[Order of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.P.Ganapathi Subramanian, learned counsel appearing on behalf of the petitioner, Mr.N.S.Karthikeyan, learned standing counsel appearing on behalf of the first respondent and Mr.M.Saravanan, learned counsel appearing for the second respondent.

2. The petitioner claims absolute ownership over the property in question by pressing her title through her grandfather

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Rangasamy Konar, who is stated to have purchased the property from one Ammakannu Ammal and Ammakannu on 07.05.1924 by a registered sale deed and the same has been registered as Document No.760/1924. It is stated that the property in question stood vested with the writ petitioner pursuant to the unregistered partition deed dated 02.05.2019 between herself and her siblings. The petitioner relies upon a Town Survey Register, Municipal Tax Receipt, copy of the Building Plan issued, Building Fee Receipt and copy of the Electricity Consumption Card, to justify her claim that she is in possession and enjoyment of the property.

3. The petitioner is aggrieved by a notice issued by the first respondent dated 22.05.2019 stating that the property in question has been shown to be the property belonging to the second respondent temple.

4. We find that the impugned notice issued by the first respondent is absolutely bereft of particulars. If according to the first respondent, the subject property is a temple property, they should clearly mention as to how they seek to take the stand that it is the property owned by the second respondent temple.

5. Considering the records produced by the petitioner, we find that unless and until the petitioner is fully informed about how the respondents claim that it is the temple property, the petitioner will not have an effective opportunity to put forth her case.

6. As we are convinced to say that the impugned notice is bereft of particulars, we are inclined to interfere with the same, but at the same time, give liberty to the first respondent to issue proper notice with full information.

7. In the result, the writ petition is allowed and the impugned notice dated 22.05.2019 is set aside and the first respondent is directed to issue a fresh notice indicating that as on what basis the respondents claim that the subject property is a temple property and give adequate opportunity to the petitioner to place all materials, her objections and then take a reasoned decision in accordance with law. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)



To

1.The Assistant Commissioner,
Srirangam Division,
Trichirappalli Municipal Corporation,
Trichirappalli.

2.The Joint Commissioner,
Arulmighu Sri Renganatha Swamy Devasthanam,
Srirangam,
Trichy District.

+1 CC to Mr.P. GANAPATHI SUBRAMANIAN, Advocate (SR-97679[F] dated 12/11/2019)

+1 CC to Mr.M.SARAVANAN, Advocate (SR-97817[F] dated 13/11/2019)

+1 CC to Mr.N.S.KARTHIKEYAN, Advocate (SR-98302[F] dated 14/11/2019)

ORDER MADE IN
W.P (MD) No.23805 of 2019
12.11.2019

_KM/ (27.11.2019) 3P 6C