

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.11028 of 2020
and W.M.P.No.13417 of 2020
(Heard Through VC)

Venkatachalam .. Petitioner
Vs.

1.The State of Tamil Nadu
Rep. by its Secretary to Government
Department of Revenue
Fort St. George, Chennai

2.The Additional Chief Secretary and
Commissioner for Land Administration
Chepauk, Chennai - 600 005

3.The District Collector
O/o.Collectorate
Salem District

4.The Revenue Divisional Officer
O/o.Revenue Divisional Office
Salem West Division
Salem District

5.The Tahsildar
O/o.Tahsildar Office सतयमेव जयते
West Circle, Salem District

6.The Block Development Officer
Veerapandi Panchayath
Ariyalur, Salem District

7.S.Vennila

8.R.Mathiyazhagan

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to consider petitioner's representation dated 20.2.2020 and consequently direct the 4th

respondent herein to avail opportunity to the petitioner herein to put-forth his case before passing orders in representation of respondents 7 and 8 as ordered in W.P. No.33690 of 2019, on the file of this Hon'ble Court.

For Petitioner : Mr.W.Camyles Gandhi

ORDER

The petitioner has sought for a writ of mandamus, directing the respondents herein to consider his representation dated 20.2.2020 and consequently for a direction to the 4th respondent herein to afford an opportunity to him to put-forth his case before passing any order on the representation of the respondents 7 and 8, as ordered by a Division Bench of this court in W.P. No.33690 of 2019.

2. It is stated that the petitioner herein is one of the Administrators of Sri Nagakaali Amman Temple situate in S. No.45/1, Murungampatti Village via, Sivadhapuram, Salem District. According to the petitioner, the said temple was established way back in 1980 and it has been opened for the general public to worship, irrespective of caste and communal discrimination. The land in which the temple situated is not a private land and it is not standing as a hindrance to any one.

3. According to the petitioner, the respondents 7 and 8 herein, namely S.Vennila and R.Mathiyazhagan, in order to take revenge against the petitioner to wreak vengeance, filed a writ petition in W.P. No.33690 of 2019 and got an order on 2.12.2019, behind his back. According to him, the land in which the temple has been constructed, does not belong to any individual including the petitioner. He further stated that steps have been taken to mutate the revenue records in the name of the said temple. Stating all the above facts, the petitioner has sent a representation to the third respondent, with copies to respondents 4 and 5 on 20.02.2020. It is his further averment that in view of the order passed in W.P. No.33690 of 2019, the official respondents are trying to remove the temple from the said premises. Since the respondents have not acted upon the representation of the petitioner, the petitioner has approached this court for a mandamus.

4. Heard the learned counsel for the petitioner and perused the materials placed before this Court.

5. Considering the limited scope of the prayer and the facts and circumstances of the case, this Court, without expressing any opinion on the merits of the case, directs the respondents 3 to 6 to consider the representation of the

petitioner dated 20.02.2020, enquire into the same and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner as well as the respondents 7 and 8 and by affording them an opportunity of personal hearing or virtual hearing or otherwise considering their written objections and after verifying the relevant documents, as directed by the Division Bench of this Court in the order dated 02.12.2019. The said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition is disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

asr

To

1. The Secretary to Government,
State of Tamil Nadu,
Department of Revenue
Fort St. George, Chennai
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West Circle, Salem District

6.The Block Development Officer
Veerapandi Panchayath
Ariyalur, Salem District

+1cc to Mr.W.Camyles Gandhi, Advocate SR.No.27312

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AJS (CO)
GMY (28/10/2020)



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