

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2020

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

WP.No.13165 of 2020 &
WMP.No.16302 of 2020

M. Iyyanar

... Petitioner

Vs.

1. The District Collector,
Salem District, Salem.
2. The Revenue Divisional Officer,
Salem, Salem District.
3. The Tahsildar,
Taluk Office,
TVS Colony, Hasthampatty,
Salem.

.. Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Mandamus to call for the records pertaining to the notice of the 3rd respondent issued vide proceedings in Na.Ka.No.459/2020 A2 dated 27.02.2020 and quash the same and consequently forbear the respondents herein from conducting survey or issuing patta in favour of any third parties in respect of the temple lands measuring an extent of 85.5 cents in Survey No.1358 of Hasthampatty Village, Salem Taluk & District, except issuing patta in the name of the temple on proper application from the Oorgaounders viz., M. Ayyanar, Palansiamy Gounder and Thangavel of the Mariamman and Chelliamman Temple, Manakkadu, Salem Taluk and District.

For Petitioner : Mr.G.Arulmurugan

For Respondents: Mr.S.N.Parthasarathy
Govt. Advocate

O R D E R

This writ Petition has been filed challenging the notice issued by the 3rd respondent dated 27.2.2020 and to forbear the respondents from conducting any survey or issuing patta with respect to the subject properties without considering the objections made by the Oorgaounders.

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2. The case of the petitioner is that the subject property belongs to the Temple and the documents to establish the title of the Temple can be traced for nearly 75 years. The further case of the petitioner is that attempts are being made by some third parties to conduct a survey in the property belonging to the Temple and to get patta for the said property. In spite of objections being made by the Management of the Temple, the same is not being considered by the respondents. Therefore, the present Writ Petition has been filed questioning the action of the respondents.

3. Mr. S. N. Parthasarathy, learned Govt. Advocate appearing on behalf of the respondents submitted that the petitioner/Oor Gaounders can be directed to give a detailed objection along with all the relevant documents to the 3rd respondent. On receipt of such objection, if any enquiry is conducted or if any survey is undertaken by the 3rd respondent on the request made by any third party, the petitioner will be called for the enquiry or at the time of survey and only thereafter, a decision will be taken by the 3rd respondent.

4. The learned Govt. Advocate submitted that this safeguard given to the petitioner will sufficiently balance the rights between the parties.

5. Taking into consideration the facts and circumstances of the case and the specific stand that has been taken by the respondents, there shall be a direction to the petitioner to submit a detailed objection to the 3rd respondent along with all relevant documents. As and when the 3rd respondent decides to conduct any enquiry or conduct survey on the request made by any third party, the petitioner shall be put on notice and he shall be heard before taking any decision.

6. This Writ Petition is disposed of with the above direction. No costs. Consequently connected miscellaneous petition is closed.

सत्यमेव जयते
Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

msr
To

1. The District Collector, Salem District, Salem.
2. The Revenue Divisional Officer, Salem, Salem District.
3. The Tahsildar,
Taluk Office,
TVS Colony, Hasthampatty, Salem.

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+1cc to Mr.G.Arul Murugan, Advocate SR.33799
+1cc to the Government Pleader SR.33697

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