

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.16762 of 2020
(Heard through VC)

E.Mohan

... Petitioner

Vs.

1. The District Collector,
Salem District.
2. The Revenue Divisional Officer,
Office of the Salem Collectorate Building,
Salem District - 636 001.
3. The Tahsildar, (Salem West),
Ammapalayam Main Road,
Sooramangalam,
Salem - 636 005.
4. P.Rajendran

... Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the third respondent to inspect Pudhu Mariyamman Temple land to an extent of 92 cents comprised in Survey No.51/1 and land to an extent of 7.5 cents comprised in Survey No.51/11, Narasothipatti, Salem and to furnish a report based on the available revenue records by considering his representation dated 01.10.2020 within a stipulated time.

For Petitioner : Mr.N.Vijaya Basker

For Respondents-1 to 3: Mr.V.Shanmugasundar, Spl.G.P

For Respondent-4 : Mr.T.S.Vijayaraghavan

ORDER

The Writ Petition is filed seeking a mandamus to direct the third respondent to inspect Pudhu Mariyamman Temple's land to an extent of 92 cents comprised in Survey No.51/1 and land to an

extent of 7.5 cents comprised in Survey No.51/11, Narasothipatti, Salem and to furnish a report based on the available Revenue Records by considering his representation dated 01.10.2020 within a stipulated time.

2. The petitioner claims that the lands in Survey Nos.51/1 and 51/11 belong to "Pudu Mariyamman Temple" and the said Temple was constructed and maintained by his ancestors. When the petitioner and his community people planned to construct shop portions in the said Temple, one P.Rajendran/the fourth respondent herein and his relatives attempted to interrupt the construction work and caused damages to the said Temple. In this regard, the petitioner lodged a Police complaint dated 30.09.2020 before the Police authorities and upon enquiry and inspection, they directed the third respondent herein to furnish a report as to whether the said lands belong to "Pudu Mariyamman Temple". The petitioner also made a representation dated 01.10.2020 to the third respondent to furnish the said report based on the available records. As the third respondent neither inspected the temple lands nor furnished the report, the petitioner was constrained to file this Writ Petition.

3. There seems to be a rival claim between the petitioner and the fourth respondent. Even in the representation of the petitioner dated 01.12.2020, it has been stated that a suit in O.S.No.326 of 2020 on the file of the Additional District Munsif, Salem was filed. It is open to the parties to work out their remedies in the said suit, which is pending. Therefore, no order is necessary in this Writ Petition.

4. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

srn

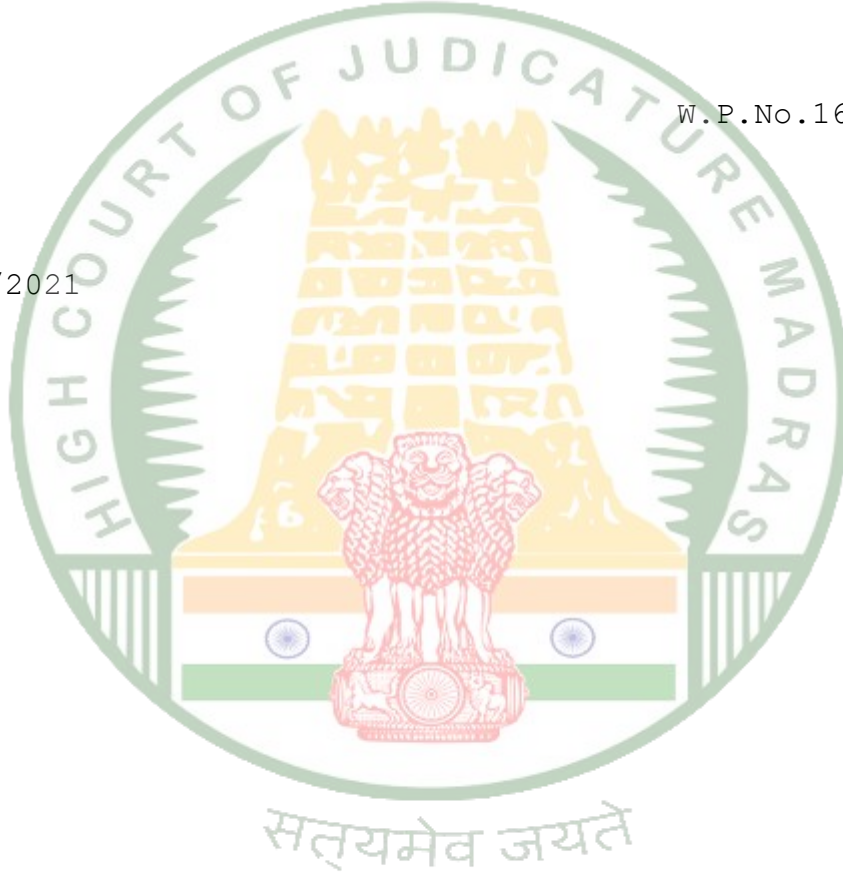
To

1. The District Collector,
Salem District.

2. The Revenue Divisional Officer,
Office of the Salem Collectorate Building,
Salem District - 636 001.
3. The Tahsildar, (Salem West),
Ammapalayam Main Road,
Sooramangalam,
Salem - 636 005.
4. The Additional District Munsif,
Salem.

W.P.No.16762 of 2020

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srg 01/02/2021



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