



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:13.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) No.780 of 2020

Arulmighu Mariamman @
Kalyana Sundari Amman Thirukoil &
Ayyanar Thirukoil,
Sembalur, Rep. by its
Thakkar/ Executive Officer,
A/M.Nadiamman Thirukoil,
Pattukottai,
Thanjavur District. ... Petitioner

Vs.

The District Revenue Officer,
District Collector's Office complex,
Thanjavur,
Thanjavur District. ... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to take the appeal filed by the temple on 21.11.2019 on file and dispose of the appeal within the time stipulated by this Court.

For Petitioner : Mr.V.Chandrasekar

For Respondent : Mrs.J.Padmavathi Devi
Special Government Pleader

O R D E R

By consent, the writ petition is taken up for disposal at the admission stage itself.

2. The writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the respondent to take the appeal filed by the temple on 21.11.2019 on file and dispose of the appeal within the time stipulated by this Court.



3. The case of the petitioner is that the petitioner was appointed as Thakkar/Executive Officer by the Hindu Religious and Charitable Endowment Department to administer the affairs of Arulmighu Mariamman @ Kalyana Sundari Amman Thirukoil & Ayyanar Thirukoil. After the administration was taken over by the Department, the petitioner enquired about the properties owned by Kalyana Sundari Amman Temple & Ayyanar Temple and found that the Temple properties located at Sembalur was encroached by one Murugaiya Velar and similarly, another property measuring an extent of 5 acres and 18 cents was occupied by 6 persons.

4. In order to retrieve the lands owned by the Temple, one Subbukannu filed a Public Interest Litigation in W.P.(MD) No.10208 of 2017 and this Court disposed of the writ petition on 12.09.2019. On 21.11.2019, the petitioner preferred an appeal before the District Revenue Officer for change of patta of the properties in the name of the Temple, which has already been surreptitiously changed by the encroachers and the Revenue Department without conducting an enquiry, has changed the patta in the name of the individuals. He further submitted that the appeal has not been taken on file and the four weeks time granted by the Division Bench of this Court for compliance had also expired. As the pending proceedings would be an impediment for the petitioner to redress his grievance with regard to change of patta in the name of the Temple, he has come to this Court seeking for a direction to the respondent to take the appeal filed by the Temple on 21.11.2019 on file and dispose of the appeal within the time stipulated by this Court.

5. In view of the above, without expressing any opinion on the merits of the claim made by the petitioner, the respondent is directed to take the appeal filed by the Temple on 21.11.2019 on file and dispose of the appeal within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



To:

The District Revenue Officer,
District Collector's Office complex,
Thanjavur,
Thanjavur District.

+1 CC to M/s.V.CHANDRASEKAR, Advocate (SR-1642[F] dated
13/01/2020)

+1 CC to M/s.Special Govt.Pleader (SR-1932[F] dated 20/01/2020)

Order made in
W.P (MD) No.780 of 2020

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SDS (06.02.2020) 3P-4C