



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.8210 of 2020

V.R.Jhon Rajadurai

: Petitioner

Vs.

1.The Deputy Commissioner/Executive Officer,
Arulmigu Subramaniya Swami Thirukovil,
Thirupparankundram,
Madurai -625 005.

2.The District Registrar,
O/o District Regsitrar,
Palace Road,
Madurai - 625 001.

3.The Tahsildar,
Madurai South Taluk,
Madurai

: Respondents

(R3 impleaded vide Court order dated 27.08.2020 in WMP(MD)No.8348 of 2020 in WP(MD) No.8210 of 2020 by GRSJ)

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to mention specific Survey No.188/2B of Avaniapuram Village, Madurai District by issuing an addendum to the communication issued by him in Na.Ka.No.1324/95/E-1 dated 19.11.2011, based on the petitioner's representation dated 20.03.2020, within the time limit stipulated by this Court.

For Petitioner : Mr.S.Nateshraj
For Respondents : For R1-Mr.S.Manohar
For R2 & R3-Mr.P.Mahendran
Additional Government Pleader

O R D E R

Heard the learned counsel for the Writ Petitioner and the learned Government Counsel for the second and third respondents and also the learned Standing Counsel for the first respondent temple.

2. The petitioner had purchased plot No.188 in Avaniapuram, Nethaji Nagar approved Layout, Madurai District in the year 2004. According to the petitioner, the layout comprises 199 plots and was duly approved on 29.08.2002. But the petitioner learnt that the



first respondent has taken a stand that the petitioner's property also belongs to the first respondent temple. The petitioner genuinely apprehends that the stand of the first respondent is on the ground of misconception. He further wants survey exercise to be undertaken in this regard, for which, he has also given representation to the first respondent. Since it was not acted upon, the petitioner had filed this Writ Petition for directing the first respondent to issue addendum to the petition mentioned communication dated 19.11.2011.

3. When the matter came up for hearing before me, I felt that unless the Jurisdictional Tahsildar is impleaded in this Writ Petition, it will not be possible for the first respondent to comply with the petitioner's request. Therefore, the jurisdictional Tahsildar was also *suo motu* impleaded as the third respondent. Mr. Mahendran, learned Additional Government Pleader was requested to take notice for the impleaded respondent and get instructions.

4. The petitioner is directed to submit an application to the third respondent alongwith requisite fees, for carrying out the petition mentioned survey. The third respondent is directed to carry out the survey exercise within a period of six weeks. The third respondent is entitled to avail police aid to carry out the said task.

5. It is for the first respondent temple to act on the petitioner's representation, based on the results of the survey. If the survey report is not acceptable to the first respondent, the first respondent will have to challenge it in the manner known to law. If the survey report is in favour of the petitioner, the first respondent has to challenge it within a period of three months thereafter, or else the first respondent will have to necessarily issue Addendum now sought for by the petitioner.

6. The survey authority will carryout the survey as per the settled procedures and in accordance with law and after giving notice to the petitioner and the first respondent. If the survey results are not in favour of the petitioner, the question of taking further action does not arise at all.

7. With the above directions and observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Registrar,
O/o District Registrar,
Palace Road,
Madurai - 625 001.

2.The Tahsildar,
Madurai South Taluk,
Madurai.

+1 CC to SPL GP (SR-15299[F] dated 28/08/2020)

+1 CC to Mr.S. NATESHRAJA, Advocate (SR-15456[F] dated 31/08/2020)

W.P. (MD) No. 8210 of 2020
27.08.2020

VB (01.09.2020) 3P 5C