



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.20694 of 2013
and
M.P.Nos.1 of 2013 and 2 of 2014

Sivanandaswamy

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Ariyalur Division,
Ariyalur District.

2.The Thasildhar,
Ariyalur Taluk,
Ariyalur District.

3.The District Registrar of Registration,
Ariyalur District,
Ariyalur.

4. S.Devendran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for records pertaining to the orders of the first respondent in Na.Ka.A5/1861/2013 dated 19.06.2013 and quash the same.

For Petitioner : Mr.S.Kamadevan

For Respondents : Mr.M.R.Gokul Krishnan
Government Advocate
(for R-1 to R-3)

: Mr.I.Abrar Mohamed Abdullah
(for R-4)



O R D E R

This writ petition is filed to issue a writ of Certiorari, calling for records pertaining to the orders of the first respondent in Na.Ka.A5/1861/2013 dated 19.06.2013 and quash the same.

2. The case of the petitioner is that one Sathasivaswamy created a Mutt, under the name and style of Suyamprakasa Swamy Sannathi Mutt and left some of the properties at Thirumazhappadi Village, Ariyalur Taluk and Ariyalur District for its maintenance. He also executed a Will and bequeathed the said property in favour of his successor to administer the said Mutt. During his life time, by proceedings dated 12.07.1926 he got declaration from the Hindu Religious and Charitable Endowments Department that the said Mutt is not a religious institution and it is only a private Mutt. After the death of Ramasamysamy, one Santhananthaswamy succeeded as head of the Mutt and he also donated some of his personnel properties and he executed a Will dated 03.06.1999 nominating the petitioner as successor and also bequeathed all the properties in favour the petitioner. In fact, during his life time, the third respondent issued patta in the name of the said Santhananthaswamy. After the execution of the Will, he died on 02.09.1999. After his demise, on the strength of the Will, the petitioner dealt with the property. In fact, the Government also acquired the land to an extent of 2.08 acres for the purpose of providing free house sites to Adi Dravidar community. Thereafter, the petitioner was issued patta for the remaining land.

3. While that being so, the fourth respondent made an application to the first respondent to cancel the patta as well as the sale deed executed by the petitioner and transfer patta in the name of the said Mutt. The respondent on receipt of reports from the Tahsildar, Ariyalur District and statement of the Village Administrative Officer passed the impugned order without issuing notice to the petitioner and without conducting any enquiry with the petitioner. It is also evident from the counter affidavit that the first respondent has not given any opportunity to the petitioner to put-forth his case. Therefore, it is in clear violation of the principles of natural justice. On this ground alone, the impugned order cannot be sustained and it is liable to be set aside.

4. In view of the above discussion, the impugned order dated 19.06.2013 is hereby set aside. Accordingly, this Writ Petition is allowed. The matter is remanded back to the first respondent for fresh enquiry. The first respondent is directed to issue notice to the petitioner and the fourth respondent along with all parties concerned and after giving opportunity of hearing to



them, pass orders on merits and in accordance with law within a period of sixteen weeks from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petitions are closed. No costs.

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Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Revenue Divisional Officer,
Ariyalur Division,
Ariyalur District.
- 2.The Thasildhar,
Ariyalur Taluk,
Ariyalur District.
- 3.The District Registrar of Registration,
Ariyalur District,
Ariyalur.

+1cc to the Government Pleader Sr No.49744

W.P.No.20694 of 2013

PMK (CO)
PR (12/10/2021)