

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.6675 of 2021

J.Soundarapandiyan

.. Petitioner

-vs-

1. The District Collector,
Cuddalore District,
At Cuddalore.
2. The Revenue Divisional Officer,
Cuddalore,
Cuddalore District.
3. The Tahsildar,
Kurinchipadi Taluk,
Cuddalore District.
4. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Cuddalore.

5.S.Rajasekaran

6.C.Krishnamurthy

7.Saradha

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 4 to consider the petitioner's representation dated 3.11.2020 and thereby direct the respondents 1 to 4 to take over the land in Old S.No.506, New S.No.324/1 - Acres 3.30 Cents, Old S.No.500/18, New S.No.324/1 - Acres 0.62 Cents, Old S.No.497/3, New S.No.327/6 - Acres 1.62 Cents, Old S.No.507, New S.No.324/2 - 0.14.0 hectares (Chathiram), Old S.No.508, New S.No.324/3 - 0.39.0 hectares (Pond), Vazhuthalampattu and Old S.No.540, New S.No.237/2 - Acres 12.31 cents and Old S.No.308, New S.No.258/1 - Acre 1.61 cents Agaram Revenue Villages totally

Acres 19.46 cents, Kurinchipadi Taluk, Cuddalore District belongs to Kullappanchavadi Chathram from the custody of the respondents 5 to 7 for the public welfare.

For Petitioner : Mr.B.Sundarapandiyan

For Respondents : Mr.G.K.Muthukumar
Spl. Government Pleader
for respondent Nos.1 to 3

Mr.R.Venkatesh
Government Advocate
for respondent No.4

ORDER

(Order of the Court was made by Senthilkumar Ramamoorthy,J.)

The petitioner complains that lands in specific survey numbers at Vazhuthalampattu Panchayat, Kullanchavadi were originally owned by Thiru.Kullappa Chettiar and that he had gifted the said lands to the Government to establish and maintain a Chathiram. It is stated that a Charitable Advisory Committee was formed for this purpose and that a portion of lands that were gifted for the Chathiram were unlawfully bequeathed under a Will executed by Tmt.Meenatchiammal and that subsequent transfers have been made on such basis.

2. Learned Special Government Pleader submits, on instructions, that the matter is being examined and that appropriate action would be taken, including to rectify any error in the revenue records. He states that an inquiry would be conducted, if this Court directs such inquiry.

3. Accordingly, without examining the merits of the representation dated 03.11.2020, the third respondent herein is directed to consider such representation, conduct an inquiry on such basis by providing a reasonable opportunity to all affected parties, including respondents 5 to 7 herein, and communicate the decision by a speaking order to the petitioner within a period of three months from the date of receipt of a copy of this order.

4. It is made clear that if it is found that the lands which were gifted to the Government have been unlawfully misappropriated by private persons, appropriate action shall be taken by the official respondents in accordance with law.

W.P.No.6675 of 2021 is disposed of on the above terms.
There will be no order as to costs. Consequently, W.M.P.No.7225
of 2021 is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To:

1. The District Collector,
Cuddalore District,
At Cuddalore.
2. The Revenue Divisional Officer,
Cuddalore, Cuddalore District.
3. The Tahsildar,
Kurinchipadi Taluk,
Cuddalore District.
4. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Cuddalore.

+1cc to Mr.B.Soundarapandiyan, Advocate, S.R.No.16685.
+1cc to the Government Pleader, S.R.No.17137 & 17158.

W.P.No.6675 of 2021

PMK (CO)
CSR 25.03.2021

सत्यमेव जयते

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