



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.9943 of 2019

and

W.M.P.No.10517 of 2019

1. V.A.S.Nachimuthu

2. R.Vijayakumar

... Petitioners

Vs

1. The District Collector,
Tiruppur District,
Tiruppur.

2. The Revenue Divisional Officer,
Dharapuram, Tiruppur District.

3. The Tahsildar,
Kangayam Taluk, Kangayam,
Tiruppur District.

4. The Executive Officer,
Arulmigu Chellandiamman Koil,
Vellakoil, Kangayam Taluk,
Tiruppur District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to consider and pass orders on merits by disposing the written representation made by the petitioners on 25.02.2019 within a stipulated time as this Court fixes.

For Petitioners : Mr.C.Prakasam

For Respondents : Mr.A.Selvendran
Special Government Pleader
(for R1 to R3)

ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the third respondent to consider and pass orders on merits by disposing of the written representation made



by the petitioners on 25.02.2019 within a stipulated time as may be fixed by this Court.

2. The case of the petitioners is that their grand father, viz., Ayyavoo Chettiar and Thirumaandi Pandaram jointly purchased house site to an extent of 15x80 sq.ft comprised in S.No.572-A, situated at Vellakoil Village by the registered sale deed dated 16.10.1950. Subsequently, the share of the said Thirumaandi Pandaram was also purchased by their grand father on 19.10.1955 by the registered sale deed on the same day. Thereafter, the settlement Tahsildar conducted enquiry and passed orders on 23.02.1971 and their grand father was issued patta. After demise of their grand father, the petitioners and family members filed a partition suit in O.S.No.265 of 2017 and in that suit, the compromise memo has been filed and decree was passed in the said suit. Accordingly, the house site was allotted in favour of the petitioners comprised in R.S.No.1704/25. However, the Revenue Department was issued patta for the said house site in the name of Chellandiamman Temple and the petitioners' grand father, viz., the said Ayyavoo Chettiar. Therefore, the petitioners submitted their representation to delete the name of the said Temple.

3. On a perusal of the records, it reveals that the petitioners' grand father was originally granted patta only as ground rent patta. The petitioners' grand father had only lease hold right over the subject property and also they are willing to pay the ground rent. On the said undertaking, he was issued ground rent patta. Thereafter, the petitioners' grand father was rightly issued patta along with the said Temple. Therefore, the request of the petitioners to delete name of the said Temple cannot be considered and this Writ Petition is devoid of merits and it is liable to be dismissed.

4. In the result, this Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kv

To

1. The District Collector,
Tiruppur District,
Tiruppur.



2. The Revenue Divisional Officer,
Dharapuram, Tiruppur District.

3. The Tahsildar,
Kangayam Taluk, Kangayam,
Tiruppur District.

4. The Executive Officer,
Arulmigu Chellandiamman Koil,
Vellakoil, Kangayam Taluk,
Tiruppur District.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.61364

+1cc to the Government Pleader, S.R.No.61933

W.P.No.9943 of 2019

PL(CO)
SB(13/12/2021)