



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.27435 of 2014

S.Viswanathan

...Petitioner

-Vs-

1. The Tahsildar,
Kangayam, Tiruppur District.
2. Fit Person / Executive Officer,
Arulmigu Jayakondeshwarar and
Varadharaja Perumal Thirukoil,
Nathakkadaiyur - 638 108.
Kangayam Taluk,
Thirupur District.
(R2 impleaded as per order
dated 09.12.2021 in
W.M.P.No.4944 of 2016 in
W.P.No.27435 of 2014)

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records of the impugned order passed by the respondent in his proceedings No.O.Mu.R.D.R.1669/2014-A7 dated 28.07.2014 and quash the same and consequently directing the respondent herein to change over the patta in the name of the petitioner insofar relates to land situated in R.S.No.231, Mullipuram Village, Kangayam Taluk, Tiruppur District.

For Petitioner : Mr.C.Prakasam

For R1 : Mr.S.Rajesh
Government Advocate.

For R2 : Mr.V.P.K.Gowthaman



ORDER

This Writ Petition has been filed for the issuance of Writ of Certiorarified Mandamus, calling for the entire records of the impugned order passed by the respondent in his proceedings No.O.Mu.R.D.R.1669/2014-A7 dated 28.07.2014 and quash the same and consequently directing the respondent herein to change over the patta in the name of the petitioner insofar relates to land situated in R.S.No.231, Mullipuram Village, Kangeyam Taluk, Tiruppur District.

2.Heard Mr.C.Prakasam, learned counsel appearing for the petitioner, Mr.S.Rajesh, learned Government Advocate appearing for the first respondent and Mr.V.P.K.Gowthaman, learned counsel appearing for the second respondent.

3.The petitioner applied for Patta for the property comprised in R.S.No.231, situated at Mullipuram Village, Kangeyam Taluk. The respondent conducted an enquiry and rejected the claim of the petitioner for the reason that for issuance of Patta, the petitioner should get No Objection Certificate from the Hindu Religious and Charitable Endowments Department.

4.While pending the writ petition, Arulmigu Jayakondeshwarar and Varadharaja Perumal Thirukoil, Nathakkadaiyur - 638 108, Kangeyam Taluk, Thirupur District, filed an implead petition to implead them as one of the respondents. According to them, the said land belong to the temple.

5.In view of the above, the petitioner is directed to submit a fresh application for issuance of Patta, within a period of two weeks from the date of receipt of a copy of this order.

6.On receipt of the same, the first respondent is directed to issue notice to the petitioner and the second respondent herein and after giving an opportunity of hearing to them, pass orders on merits and in accordance with law, within a period of twelve weeks thereafter.

7.With the above directions, this writ petition is disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Tahsildar,
Kangeyam, Tiruppur District.

2. Fit Person / Executive Officer,
Arulmigu Jayakondeshwarar and
Varadharaja Perumal Thirukoil,
Nathakkadaiyur - 638 108.
Kangeyam Taluk,
Thirupur District.

+1cc to the Government Pleader, S.R.No.66122

W.P.No.27435 of 2014

SSI (CO)
RGA (07/01/2022)