

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2021

CORAM

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. No. 23904 of 2017

Sri Thanjiyamman Kanni Kovil,
Charity Trust, Ettivadi,
Rep. by its Authar Cum
Managing Trustee M.G.Natarajan,
Ettivadi Village and Post,
Polur Taluk,
Tiruvannamalai District - 606 907. Petitioner

Vs

1.The State of Tamilnadu,
Rep. by the Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 600 009.

2.The District Collector,
Thiruvannamalai District.

3.The District Revenue Officer,
Thiruvannamalai,
Thiruvannamalai District.

4.The Conservator of Forest,
Vellore Circle,
Rangapuram,
Sathuvachari Post, सत्यमेव जयते
Vellore - 9.

5.The District Forest Officer,
Thiruvannamalai North Division,
C.C.Road, Bagunarpettai,
Sengunam Post, Polur,
Thiruvannamalai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus or any other writ order or direction in the nature of writ of Mandamus directing the third respondent to grant patta to the lands situated in S.No.135A to the extent of 4.90 acre and the land in S.No.136 to the extent of 4.20 acres in the name of Sri Thanjiyamman Kanni Kovil by excluding the said lands from the reserved forest and permit the public to use the land and pathway to reach the temple.

For Petitioner : Mr. A.Arulmozhi
For Respondents 1-3: Mr. A.Madhumathi
Special Government Pleader
4&5 : Mr. S.Prabhu
Additional Government Pleader

O R D E R

This petition is filed for issuance of Writ of Mandamus directing the third respondent to grant patta in favour of the temple known as Sri Thanjiyamman Kanni Kovil, Charity Trust in respect of lands measuring an extent of 4.90 Acres in Survey No.135A and 4.20 Acres in Survey No.136 of Ettivadi Village and Post, Polur Taluk, Tiruvannamalai District.

2. It is the case of the petitioner that the lands were earlier declared as patta land and not included in the land which was registered as reserve forest as per the Gazette publication dated 13.06.1981. In the affidavit filed in support of this petition, the petitioner has given further details regarding his claim over the title to the property which was encroached. It appears that the dispute relates to title and this cannot be resolved by invoking Article 226 of the Constitution of India. The petitioner has already submitted representation to the official respondents for transfer of patta in favour of the petitioner temple. Learned counsel appearing for the petitioner submits that a direction may be issued to the third respondent to consider the representation of the petitioner dated 12.06.2017.

3. Considering the nature of grievance expressed by the petitioner in the affidavit filed in support of the petition and other factors, this Court is inclined to issue a direction to the third respondent to dispose of the representation of the petitioner. Without expressing any opinion on the merits of the petitioner's claim, this Court directs the third respondent to consider the representation of the petitioner dated 12.06.2017, regarding grant of patta, after affording opportunity to the respondents 4 and 5 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

4. With the above observation and direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 600 009.

2.The District Collector,
Thiruvannamalai District.

3.The District Revenue Officer,
Thiruvannamalai,
Thiruvannamalai District.

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Thiruvannamalai North Division,
C.C.Road, Bagunarpettai,
Sengunam Post, Polur,
Thiruvannamalai District.

+1cc to the Government Pleader SR.181

+1cc to the Special Government Pleader SR.120

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SSD(CO)
CB(23/02/2021)

सत्यमेव जयते

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