



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.7708 of 2021

PL.Kathiresan Chettiar

... Petitioner

Vs.

1. The Tahsildar,
Thirupathur Taluk, Sivagangai District.

2. The Periyantental Temple,
Represented by its Devasthanam Manager,
Mr.P.Elango.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein to take necessary steps to cancel the wrong entry made as Periyantendhal Temple in Survey No.373 of Nerkuppai Group and Village, Thirupathur Taluk, consisting of 53 cents which belongs to the petitioner and make necessary correction in the revenue records in favour of the petitioner and to issue patta to him after affording an opportunity of hearing on the basis of the petitioner's representation made before the first respondent dated 22.05.2019.

For Petitioner : Mr.B.Brijesh Kishore

For R-1 : Mr.M.Rajarajan
Additional Government Pleader

For R-2 : Mr.Mathavan

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the first respondent to consider the representation made by the petitioner on 22.05.2019, wherein, the petitioner has sought for the cancellation of the entries in the revenue records made in favour of the second respondent Temple.

2. The case of the petitioner is that the subject property originally belonged to the grandfather of the petitioner by virtue of a registered sale deed dated 20.04.1928. The property ultimately vested on the mother of the petitioner and she bequeathed the property, by virtue of a Will, dated, 05.09.1993 in favour of the petitioner. The further case of the petitioner is that he is in



possession and enjoyment of the subject property and is also paying necessary tax to the Government.

3. The grievance of the petitioner is that the subject property has been wrongly entered in the name of the second respondent Temple in the revenue records. The petitioner, therefore, made a representation on 22.05.2019 seeking for the cancellation of the entries. On receipt of the representation, the first respondent called for a report from the Revenue Inspector, by a letter dated, 11.07.2019. The grievance of the petitioner is that, thereafter, there was absolutely no progress and hence, left with no other alternative remedy, the present Writ Petition has been filed before this Court.

4. Heard Mr.B.Brijesh Kishore, learned counsel appearing for the petitioner, Mr.M.Rajarajan, learned Additional Government Pleader appearing for the first respondent and Mr.Mathavan, learned counsel appearing for the second respondent.

5. Taking into consideration the facts and circumstances of the case and without going into the merits of the case, there shall be a direction to the first respondent to call the petitioner and the second respondent for enquiry and afford them an opportunity and pass appropriate orders strictly in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order. It is left open to the parties to produce all the relevant documents before the first respondent at the time of enquiry. If there are any other interested parties claiming right over the subject property, they shall also be issued with notice and an opportunity shall also be given to them.

6. The petitioner is directed to make a fresh representation to the first respondent along with a copy of this order.

7. This Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (RTI ACT)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the

<https://hcservices.ecourts.gov.in/hcservices/>



responsibility of the advocate/litigant concerned.

To

The Tahsildar,
Thirupathur Taluk, Sivagangai District.

+1 CC to M/s.B.BRIJESH KISHORE, Advocate (SR-15608[F] dated
09/04/2021)

+1 CC to M/s.S.MADHAVAN, Advocate (SR-15680[F] dated 09/04/2021)

+1 CC to M/s.SPL GP (SR-15834[F] dated 15/04/2021)

Order made in
W.P. (MD) .No.7708 of 2021
Dated:
09.04.2021

RK (27.04.2021) 3P 5C