



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.15372 of 2021

and

W.M.P. (MD)No.12266 of 2021

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... Petitioner

Vs.

1.The Collector,
Tuticorin District,
Tuticorin.

2.The Thasildar,
Vilathikulam Taluk,
Tuticorin District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the decision of the Thasildar, Vilathikulam, M.Kumarasakkanapuram Village, Vilathikulam Taluk, Tuticorin District viz., 2nd Respondent in its No.nil dated 09.08.2021 (communicated through online mode) and quash the same and consequently, direct the 2nd respondent to grant patta to the Sri Prassana Venkatesa Perumal Koil measuring of an extent of 4 ½ cents of lands in S.No.189/25, M.Kumarasakkanapuram Village, Vilathikulam Taluk after conducting enquiry regarding possession and occupation of the lands.

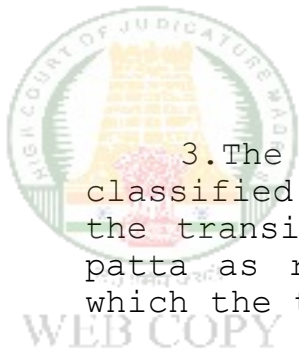
For Petitioner : Mr.S.V.Vijay Shanker

For Respondents : Mr.P.Subbaraj,
Counsel for Govt. of Tamilnadu.

ORDER

The petitioner challenges an order of the second respondent herein, by which the request for patta was rejected by referring to an objection in such regard.

2.The petitioner states that Sri Prassana Venkatesa Perumal Temple is situated in M.Kumarasakkanapuram Village. It is stated that the said temple is the family deity of 80 families in the neighbouring villages who constitute the denominational sect of Misalvar Reddiar.



3.The petitioner states that the lands in Survey No.189 are classified as Gramanatham in the "A" register. Subsequently during the transition to the UDR Scheme, the temple did not apply for a patta as regards the sub divided Survey No.189/25 in respect of which the temple seeks patta.

4.As regards the impugned order, it is stated that the said order is unreasoned in as much as it does not specify as to who raised the objection or what was the content of such objection. In addition, it is stated that the petitioner and others interested were not provided a reasonable opportunity.

5.Mr.P.Subbaraj, learned Counsel for the State, accepts notice on behalf of both the respondents. He submits that the patta is requested for on behalf of a temple and it is unclear as to the relationship between the petitioner and the said temple. Without prejudice it is stated that the second respondent may be directed to reconsider the petitioner's request for patta and dispose of the same on merits and in accordance with law.

6.Upon perusal of the impugned order, it is abundantly clear that such order is unreasoned. While an objection is cited, neither the name of the objector nor the content of such objection is set out. Moreover, the petitioner contends that a reasonable opportunity was not provided to the petitioner before such order was passed. For all these reasons, the impugned order is not sustainable. Consequently, such order is quashed.

7.Therefore, W.P.(MD)No.15372 of 2021 is allowed. As a corollary, the matter is remitted to the second respondent for reconsideration of the petitioner's application for patta. The second respondent is directed to reconsider the application of the petitioner after providing a reasonable opportunity to the petitioner and any other persons who would be affected by the grant of patta to the temple. Upon providing such reasonable opportunity, the second respondent shall dispose of the request for patta by a reasoned order on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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 responsibility of the advocate/litigant concerned.

To:

1.The Collector,
Tuticorin District,
Tuticorin.

2.The Thasildar,
Vilathikulam Taluk,
Tuticorin District.

+1 CC to M/s.V.KARTHIKEYAN, Advocate (SR-27684[F] dated 31/08/2021)

+1 CC to M/s.GP (SR-27756[F] dated 01/09/2021)

W.P (MD) No.15372 of 2021
31.08.2021

MGJ(08.09.2021) 3P 5C