

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P. No.12647 of 2016
and WMP.Nos.11004 & 11005 of 2016

Hellelujah Praising Church Trust
Rep by its Pastor
Rev. Father V.J.Sugunadas
No.5 Church St Edaikkal,
New Azis Nagar Post, Ulundurpet Taluk,
Villupuram District 606 107.

...Petitioner

vs.

- 1.The District Collector
Office of the District Collector
Villupuram District.
- 2.The District Revenue Officer,
Office of the District Revenue Officer,
Villupuram District.
- 3.The Revenue Divisional officer,
Office of the Revenue Divisional Officer,
Ulundurpet, Ulundurpet Taluk,
Villupuram District.
- 4.The Tahsildar, Ulundurpet Taluk,
Taluk Office, Ulundurpet,
Villupuram District.

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue an order or direction or Writ and in particular Writ in the nature of a Writ of Certiorarified Mandamus calling for the records in respect of the order passed by the third respondent herein in his proceedings in Na.Ka.No.Aa1/132620/2015 dated 05.03.2016 and to quash the same and direct the respondents herein to assign the Natham Poromboke land situated at New Azis Nagar, Edaikkal Village, A Sathanur, Ulunthurpet Taluk in S.No.150 measuring an extent of 20 cents situated to the western side of the land already assigned to the petitioner's church by Edaikkal Rehabilitation Centre by its Manager on 15.10.1988 and consequently, issue patta for the same by following due procedure of law by considering the representation of the petitioner dated 17.02.2016.

For Petitioner : Mr.T.M.Karthikeyan

For Respondents: Mr.P.Sathish
Additional Government Pleader

ORDER

The petitioner has filed this petition seeking to quash the order passed by the third respondent herein in his proceedings in Na.Ka.No.Aa1/132620/2015 dated 05.03.2016 and to direct the respondents herein to assign the Natham Poromboke land situated at New Azis Nagar, Edaikkal Village, A Sathanur, Ulunthurpet Taluk in S.No.150 measuring an extent of 20 cents situated to the western side of the land already assigned to the petitioner's church by Edaikkal Rehabilitation Centre by its Manager on 15.10.1988 and consequently, issue patta for the same by following due procedure of law by considering the representation of the petitioner dated 17.02.2016.

2. The facts of the case are as follows:

Based on the representation, the District Collector, allotted the land measuring to an extent of 0.080 Hectare in S.F.No.150 situated at No.5, Church Street, Edaikkal, New Azis Nagar Post, Ulundurpet Taluk, Villupuram District for construction of church in the year 1986. The said portion of the land is not sufficient for the petitioner's Trust. Therefore, the petitioner made several representation to the respondents requesting to assign another 20 cents of Natham Poromboke land which is situated on the western side of the land which was already assigned to their church, but the third respondent herein has rejected the claim made by the petitioner vide his proceedings dated 05.03.2016. Challenging the same, the petitioner has filed the present writ petition before this Court for appropriate remedy.

3. The learned counsel for the petitioner submitted that the respondents ought to have considered the genuine claim made by the petitioner's Church baed on the light of the recommendation of the State Minority Commissioner vide its proceedings dated 15.10.2015. The third respondent, without conducting any enquiry and even giving any opportunity to the petitioners, mechanically rejected the representations, which is not sustainable one. Therefore, the learned counsel prays to quash the impugned order and allow this petition.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing on behalf of the respondents and perused the materials available on record.

5. Initially, the Government have allotted the land to an extent of 20 cents for religious purpose in favour of one Premdas, who is the present petitioner's brother, vide order dated 01.03.1988 and patta was also issued in his favour. The

respondent rejected the petitioner's representation on the ground that they have already allotted about 20 cents of land to the said Church. Again the petitioner's requested to re-allot about 20 cents of the land for the said church and the same would be utilized for public purpose in future. Considering the facts and circumstances of the case, this Court, without interfering with the impugned order, permits the petitioner's brother, who is the original allottee, to make a fresh representation to the respondents within a period of four weeks from the date of receipt of a copy of this order. After receipt of such application, the concerned respondent shall consider the same and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks, thereafter.

6. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

Rli

To

- 1.The District Collector
Office of the District Collector
Villupuram District.
- 2.The District Revenue Officer,
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- 3.The Revenue Divisional officer,
Office of the Revenue Divisional Officer,
Ulundurpet, Ulundurpet Taluk,
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- 4.The Tahsildar, Ulundurpet Taluk,
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+1cc to the Government Pleader, S.R.No.38981

W.P. No.12647 of 2016

SSD(CO)
SB(21/07/2022)