



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.1188 of 2022

Periyasamy,
Managing Trustee of "Bathirakaliamman -
Mariamman Religious and Charitable Trust".
... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
 - 2.The Tahsildar,
Taluk Office,
Sivakasi,
Virudhunagar District.
 - 3.The Commissioner,
Sivakasi Municipal Corporation,
Sivakasi,
Virudhunagar District.
 - 4.The Sub Treasury Officer,
Sivakasi,
Virudhunagar District.
- ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 2 and 3 to survey the petitioner "Bathirakaliamman Mariamman Religious and Charitable Trust" Bathirakaliamman temple property bearing Re-Survey No.628/1, an extent of 133 acres and 12 cents, situated at Sivakasi Municipal Corporation, Sivakasi, Virudhunagar District.

For Petitioner	:	Mr.R.Murugappan
For R-1, R-2 and R-4	:	Mr.S.Kameswaran, Government Advocate.
For R-3	:	Mr.A.Kannan, Standing Counsel.



ORDER

The Writ Petition has been filed in the nature of Mandamus seeking a direction against the second and third respondents / the Tahsildar, Sivakasi, Virudhunagar District and the Commissioner, Sivakasi Municipal Corporation, Sivakasi, Virudhunagar District, to survey the land of the petitioner namely, Bathirakaliamman temple at Re-Survey No.628/1, measuring an extent of 133 acres and 12 cents, at Sivakasi Municipal Corporation, Sivakasi, Virudhunagar District.

2. In the affidavit filed in support of the Writ Petition by the Managing Trustee of "Bathirakaliamman Mariamman Religious and Charitable Trust", it had been stated that the property of the temple mentioned aforesaid, requires to be surveyed and in this connection, the petitioner had sent a representation. Thereafter, he had filed a Writ Petition in W.P(MD).No.503 of 2022 in his individual name, which was withdrawn and the present Writ Petition had been filed.

3. Heard Mr.R.Murugappan, learned counsel for the petitioner, Mr.S.Kameswaran, learned Government Advocate, who takes notice on behalf of respondents 1, 2 and 4 and Mr.A.Kannan, learned Standing Counsel, who takes notice on behalf of the third respondent.

4. The petitioner may make necessary application through online seeking necessary relief to survey the property and he must also pay necessary charges, as is determined by the second and third respondents. On receipt of such online application and on payment of necessary charges, the second and third respondents may issue notice to the petitioner, issue notice to anybody else, who is in occupation of the aforesaid land, examine the documents of the petitioner, examine the documents of anybody else who is in occupation and thereafter, take a decision to measure the lands. If a decision is taken not to measure the lands, necessary reasons may be given in writing. At any rate, the entire exercise should be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order / receipt of copy of the application from the petitioner / payment of necessary charges by the petitioner.

5. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

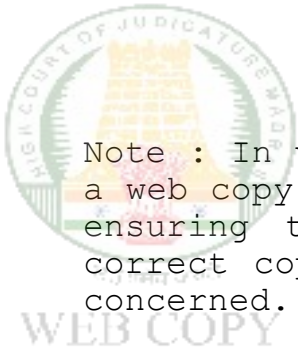
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/ /2022

Sub Assistant Registrar(CS)

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



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 District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Taluk Office,
Sivakasi,
Virudhunagar District.

3.The Sub Treasury Officer,
Sivakasi,
Virudhunagar District.

+1 CC to M/s.A.KANNAN, Advocate (SR-2555[F] dated 27/01/2022)

+1 CC to M/s.SPL.GP (SR-2578[F] dated 27/01/2022)

W.P. (MD) .No.1188 of 2022
25.01.2022

RK(03/02/2022) 3P 6C