



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.02.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3116 of 2022

A/m.Subramania Kovil @ Sri Bala Dandayuthapani

Swamy Kovil,

Vadakkammappattinam Village,

Manamelkudi Taluk, Pudukkottai District,

Rep.by present Trustee

... Petitioner

/Vs./

1.The District Collector,

Pudukkottai District.

2.The Revenue Divisional Officer,

Office of Revenue Divisional Officer,

Aranthangi, Pudukkottai District.

3.The Tahsildar,

Manamelkudi Taluk,

Pudukkottai District.

4.The Commissioner,

HR & CE Department,

Nungambakkam, Chennai-600 034.

5.The Assistant Commissioner,

HR & CE Department,

Therkku Rajaveethi, Pudukkottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents 1 to 3 herein to consider the representation of the petitioner dated 21.12.2021 to issue patta in respect of Survey No.182/2 measuring 4.20 acres at Vadakkammappattinam Village, Manamelkudi Taluk, Pudukkottai District, in the name of the petitioner temple as well as HR & CE Department and consequently forbear the respondents 1 to 3 herein, their officials and subordinates from in any manner dealing with the Survey No.182/2 measuring 4.20 acres at Vadakkammappattinam Village, Manamelkudi Taluk, Pudukkottai District as against the settlement register maintained in the office of the 1st respondent herein.

For Petitioner

: Mr.C.Padmaraj

For R1 to R3

: Mr.M.Lingadurai,

Special Government Pleader.

For R4 and R5

: Mr.P.Subbaraj,

Special Government Pleader.



ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 3 herein to consider the petitioner's representation dated 21.12.2021, seeking for issuance of patta in the name of Sri Bala Dandayuthapani Swamy Kovil, in respect of Survey No.182/2 measuring 4.20 acres at Vadakkammappattinam Village, Manamelkudi Taluk, Pudukkottai District, within a timeframe to be fixed by this Court.

2.It is the case of the petitioner that the petitioner is the owner of the aforementioned property. In respect of the petitioner's case, in the typed set of papers, the following documents have been filed:

(a) Adangal Extract for S.No.182/2 in the name of the petitioner temple;

(b) A copy of the settlement register issued by the first respondent dated 05.02.2014 in the name of the petitioner temple;

(c) Report of the Executive Officer, Kalyanaramasamy Temple, Meemisal to the Joint Commissioner, HR&CE, Trichy, dated 24.03.2014;

(d) Electricity Bill, dated 17.09.2021 in the name of the petitioner temple.

3.It is stated in the affidavit filed in support of this writ petition that the fifth respondent, mentioned in the representation dated 14.07.2021 is attempting to take control of the properties of temple. The petitioner has also filed the reply received from the Executive Officer of the subject temple, who claims that he is in Management of the temple and not the petitioner.

4.No prejudice will be caused to the respondents or any other rival claimants, including the Executive Officer of the subject temple, if the petitioner's application dated 21.12.2021 seeking for issuance of patta for the aforementioned property is considered on merits and in accordance with law and final orders passed, after affording a fair hearing to the petitioner as well as any other rival claimants, including the Executive Officer for the subject temple.

5.As seen from the typed set of papers, on 03.01.2022, enquiry has commenced. Therefore, this Court directs the third respondent to consider the petitioner's application dated 21.12.2021 seeking for issuance of patta in favour of Sri Bala Dandayuthapani Swamy Kovil, for the property comprised in Survey No.182/2 measuring 4.20 acres at Vadakkammappattinam Village, Manamelkudi Taluk, Pudukkottai District and pass final orders, on merits and in accordance with law, after affording a fair hearing to the petitioner as well as other rival claimants, including the Executive Officer for the subject temple, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



6. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

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// True Copy //

Sd/-

Assistant Registrar (CSIII)

/ /2022

Sub Assistant Registrar (CS)

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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, Pudukkottai District.

2. The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Aranthangi, Pudukkottai District.

3. The Tahsildar,
Manamelkudi Taluk, Pudukkottai District.

4. The Commissioner, HR & CE Department,
Nungambakkam, Chennai-600 034.

5. The Assistant Commissioner,
HR & CE Department,
Therkku Rajaveethi, Pudukkottai.

+1 CC to M/s.C.PADMA RAJ, Advocate (SR-7012[F] dated 18/02/2022)

+1 CC to M/s.SPL GP (SR-7077[F] dated 18/02/2022)

+1 CC to M/s.SPL GP (SR-7510[F] dated 21/02/2022)

order made in

W.P. [MD]No.3116 of 2022

17.02.2022

PKP/03.03.2022/3P/9C