



W.P(MD).No.14121 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.09.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD).No.14121 of 2021

and

W.M.P(MD)No.11084 of 2021

M.Balasubramaniyan

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Nungambakkam High Road,
Chennai-600 034.

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Sivagangai District.

4.The Executive Officer,
Arulmigu Vedduthaiya Koil Amman Temple,
Kollankudi,
Kalaiyar Koil Taluk,
Sivagangai 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 3rd Respondent to consider the order passed by the Settlement Tahsildar in his proceedings in



W.P(MD).No.14121 of 2021

SR No.921/MI Act SVG/67 dated 01.10.1967 based on the Petitioner's representation, dated 30.06.2021, within the period stipulated by this Court.

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For Petitioner	: Mr.H.Velavadhas
For R1 to R3	: Mr.P.Subbaraj Special Government Pleader
For R4	: Mr.V.R.Shanmuganathan

ORDER

This writ petition is filed praying for a writ of Mandamus directing the directing the 3rd Respondent to consider the order passed by the Settlement Tahsildar in his proceedings in SR No.921/MI Act SVG/67 dated 01.10.1967 based on the Petitioner's representation, dated 30.06.2021.

2. It is submitted by the learned counsel for the Petitioner that during the year 2001, the Petitioner had purchased 43 cents of property and approached the Joint Registrar, Sivagangai for registration. The Joint Commissioner returned sale deed, unregistered No.2/2006, which was challenged before the District Registrar, Sivagangai. The same was dismissed on 22.09.2008 with a direction to the Petitioner to approach the Civil Court and get the order for registration of property. The Petitioner filed O.S.No. 185/2008 on the file of the District Munsif Court, Sivagangai and the same was also dismissed on the ground of res-judicata as the issue was already decided in suit in O.S.No.29 of 2002 and AS.No.48 of 2008. The Revenue



W.P(MD).No.14121 of 2021

Divisional Officer, Sivagangai issued the circular in O.Mu.A1/6077/2012, dated 26.09.2012 to District Revenue Officer, wherein, in respect of properties belonging to Arulmigu Gowri Vinayakar Temple, Sivagangai, pattas were issued in favour of individuals.

3. During the year 1963, the revenue authority issued the patta under the Minor Inam Act 30/1963 in Section 8(2)(1) and Sub Section 8(5)21 issue the patta to the owner of the property. “A” Register mentioned the vendor name in Survey No.335. The Petitioner submitted a representation before the Respondents, dated 30.06.2021 not to interfere with the peaceful possession of his property. It was brought to the notice that there were several encroachers and thus requested that they may be removed. The Respondents had taken action against the encroachers and removed the encroachments in Survey No.335. Now, the 3rd Respondent has put up a fencing around the entire property comprised in Survey No.335, which includes the Petitioner's property. The Petitioner submitted his representation to the 3rd Respondent to remove the illegal fencing put up by the 3rd Respondent.

4. It is submitted by the learned Special Government Pleader for the Respondents 1 to 3, that at paragraph 4 of the affidavit, number of proceedings and appeal have been referred. If the Petitioner appears before



W.P(MD).No.14121 of 2021

the Respondents and submit necessary documents along with the representation, the Respondents would consider and pass appropriate orders.

5. Recording the same, the Petitioner is directed to appear before the Respondents with necessary documents along with the representation and the Respondents are directed to consider and pass appropriate orders in accordance with law after taking into account all materials. The writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

29.09.2022

Index : Yes / No
Internet : Yes/ No
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To

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2.The District Collector,
Sivagangai District,
Sivagangai.

3.The Joint Commissioner,
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W.P(MD).No.14121 of 2021

4. The Executive Officer,
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W.P(MD).No.14121 of 2021

MOHAMMED SHAFFIQ, J.

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W.P(MD).No.14121 of 2021

29.09.2022