



W.P.(MD)No.24822 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.11.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.24822 of 2022

J.Mariarethinam,
S/o.Jebamalai,
President,
St. Xavier Church Administrator,
and Village Committee,
T.Saveriayarpuram,
Melur Post,
Thoothukudi District.

.. Petitioner

Versus

1.The District Registrar (Admin),
District Registration Officer,
Thoothukudi District.

2.Ramasuseela, W/o.Sathasivam

3.S.Jayakodi, S/o.Samuvel Nadar

4.S.Thombai Pitchai

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to take action against the respondents 2 to 4, based on the enquiry conducted by the first respondent, dated 29.11.2021, within a time frame that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

For 1st Respondent : Mr.K.S.Selvaganesan
Additional Government Pleader



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ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the first respondent to take action against the respondents 2 to 4, based on the enquiry conducted by the first respondent, dated 29.11.2021, within a time frame to be fixed by this Court.

2.Heard Mr.S.C.Herold Singh, learned counsel appearing for the petitioner and Mr.K.S.Selvaganesan, learned Additional Government Pleader, who takes notice for the first respondent. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, the St. Xavier Church, T.Saveriyapuram, is a century old Church, which comes under the Tuticorin RC Diocese. The Church is running a School in the name and style of RC Middle School, which is an aided institution. The Church is also having a community hall in the name and style of St. Xavier Community Hall. For maintenance and administration of its properties, a Committee was formed by the members of the Church and the petitioner was selected as Administrator in the meeting held on 29.12.2019.



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4.The petitioner submitted that the Church on 02.07.2002 purchased a property in S.No.108/4A, measuring an extent of 8.31 cents, from one Rose Amali, through a registered sale deed, bearing Document No.1526 of 2002, on the file of the Sub-Registrar, Tuticorin Keelur. After purchasing the said property, the petitioner constructed a kitchen for cooking noon meals for children as well as a toilet for the utilization of the children of the School. As such, the said property is in possession and enjoyment of the Church from the said onwards. Mutations were made in the revenue records and joint Patta was also issued in Patta No.731 in the name of the Church. While so, on 04.05.2016 one Anantharaman, the then Sub-Registrar of Tuticorin Keelur and the respondents 2 to 4 colluded together with an ulterior motive and attempted to grab the aforesaid property belongs to the Church. Hence, the petitioner has sent a representation dated 23.09.2021 to the first respondent to take immediate action against them. On receipt of his representation, the first respondent, vide his proceedings in Na.Ka.No.5335/AA4/2021, dated 15.11.2021, issued a notice to the petitioner and the respondents 2 to 4 to appear for enquiry on 29.11.2021. Accordingly, the petitioner appeared before the first respondent along with all the original documents. Thereafter, there was no progress on the petitioner's representation, dated 23.09.2021. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.



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5.The learned Additional Government Pleader appearing for the first respondent submitted that the enquiry has already been completed and appropriate orders would be passed by the first respondent within a time frame.

6.Recording the abovesaid submission made by the learned Additional Government Pleader appearing for the first respondent, this Court, without going into the merits of the case, directs the first respondent to pass appropriate orders on the enquiry made on the basis of the petitioner's representation dated 23.09.2021, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

7.The Writ Petition stands disposed of with the above direction. No costs.

Index : Yes/No
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02.11.2022

To

The District Registrar (Admin),
District Registration Officer,
Thoothukudi District.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
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