



W.P.No.7239 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2023

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P.No.7239 of 2023

M.R. Arumugam
S/o D.Ranganathan,
Founder Trustee and Managing Trustee,
Sri Palandeeshwarar Kovil Trust

...Petitioner

Vs

1. The District collector,
Kanchipuram District,
Kanchipuram

2. The District Revenue Officer,
District Revenue Office,
Kanchipuram District

3. The Thasildhar,
Thasildhar Office,
Kanchipuram

4. P. Vinayagamoorthy,
S/o Paramasivamudaliyar,
Palandeeshwarar Kovil Street,
Mangadu, Chennai -602101

...Responden

ts



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other writ or order or orders direction in the nature of writ directing the respondents 1 to 3 to cancel the patta No. 583 issued in favour of the 4th Respondent for property situated at old survey No.138/2, New survey No.625/10 Mangadu Village, Sri Perumbanthur Taluk, Kanchipuram District extended about 190 sq.Meter and consequently restore the same based upon petitioner's representation dated 27.01.2023.

For Petitioner : Ms.V.Lakshmi

For Respondents : Mr. P. Sathish
Add. Govt Pleader for R1 to R3

ORDER

Considering the nature of relief sought for in this writ petition, notice to respondents 1 to 4 is dispensed with. With the consent of both sides counsel, the writ petition is disposed of as under at the admission stage itself.

2. Heard the learned counsel for the petitioner and Mr.P.Sathish, learned Additional Government Pleader appearing for the respondents No.1 to 3.



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3. According to the learned counsel for the petitioner, the petitioner is Founder Trustee and Managing Trustee of “Sri Palandeeshwarar Temple Trust” for the “Sri Palandeeshwarar Temple”. The said temple owned the property situated at old survey No.138/2, New Survey No.625/9 Mangadu Village, Sri Perumbanthur Taluk, Kanchipuram District extended about 750 Sq.Meter and 190 Sq.Meter. For which, the patta was issued in favour of Sri Palandeeshwarar Temple in Patta No.583 on 12.10.1994.

(ii). In the said circumstances, the 4th respondent herein had fraudulently obtained patta for the said land belongs to the said temple in Patta No.583 on 12.10.1995. It is further avered that the petitioner had received a report dated 22.11.2011 in Na.Ka.No.310/2011/B2 from RTI that there was no patta was issued in favour of any individual for property belongs to the said Sri Palandeeshwarar Temple. Therefore, the petitioner had given a representation to the respondents No.1 to 3 on 27.01.2023, but the representation was not considered by the respondents No. 1 to 3. Since the said representation was not considered, the present Writ Petition has been filed.



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4.The learned Additional Government Pleader appearing for respondents 1 to 3 would submit that eight(8) weeks time limit may be given to the respondents 1 to 3 to consider the complaint of the petitioner dated 27.01.2023 and call for enquiry and pass necessary orders.

5. Taking into consideration the nature of relief sought for in this writ petition and also looking into the averments made in this writ petition, this court is of the considered opinion that a duty is cast upon the Statutory Authority viz., respondents 1 to 3 to consider the representation dated 27.01.2023 on its own merits and pass appropriate orders.

6. In view of the above, without going into the merits of the claim of the petitioner, there shall be a direction to the respondents No.1 to 3 herein to consider the petitioner's complaint dated 27.01.2023, call for enquiry and after hearing the necessary parties involved in the complaint, pass appropriate orders in accordance with law, within a period of eight(8) weeks from the date of receipt of a copy of this order.



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7. With the above direction, the Writ Petition stands disposed of.

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No costs.

10.03.2023

Index:Yes/No
dsa/msv

To

1. The District collector,
Kanchipuram District,
Kanchipuram

2. The District Revenue Officer,
District Revenue Office,
Kanchipuram District

3. The Thasildhar,
Thasildhar Office,
Kanchipuram



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