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W.P.No.10385 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.10385 of 2023

Arulmigu Veeramathi Temple,
Seetharampalayam,
Tiruchengode,
Represented by the present Trustee,
R.Nagarajan,
S/o Ramasamy,
14/9, Sakthivel Nagar
Seetharampalayam,
Tiruchengode – 637 211,
Namakkal District.

... Petitioner

Vs.

1. The Special Commissioner and
Commissioner of Land Administration,
Ezhilagam,
Chepauk,
Chennai – 600 005.
2. The District Collector,
Namakkal District,
Namakkal – 637 211.
3. Sakthivel
4. Saraswathi



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5. C.Kandasamy

6. Dhandayuthapani

7. S.Subramaniam

8. Madeshwaran

9. Mani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 01.03.2023 passed by the first respondent in office Ref.No.F2/315542/2022, quash the same and direct the first respondent to take on the file the appeal dated 15.08.2022 filed by the petitioner temple against the order dated 17.05.2011 passed by the District Collector, Namakkal, in office Ref.No.Na.Ka.14333/2010/L3 and dispose of the said appeal on merits and after hearing the parties within the time.

For Petitioner : Mr.P.Mani

For R1 & R2 : Mr.V.Veluchamy
Additional Government Pleader

ORDER



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This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 01.03.2023 passed by the first respondent in Ref.No.F2/315542/2022 and to quash the same and also to direct the first respondent to take appeal dated 15.08.2022 on file, filed by the petitioner temple against the order dated 17.05.2011 passed by the District Collector, Namakkal, in Ref.No.Na.Ka.14333/2010/L3 and dispose of the said appeal on merits after hearing the parties within the time.

2. The contention of the learned counsel for the petitioner that the petitioner filed an appeal dated 15.08.2022 before the first respondent against the order dated 17.05.2011 passed by the second respondent. The petitioner has filed an appeal well within the time limit as stipulated by this Court in W.P.No.30338 of 2021 and the same was rejected by the first respondent on the ground that the appeal was filed beyond the time limit ie., on 15.09.2022. Hence the writ petition.

3. Heard the learned counsel appearing for the petitioner and the



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learned Additional Government Pleader appearing for the official respondents and perused the materials available on record.

4. The seal affixed on the impugned order itself shows that the appeal was filed on 18.08.2022 ie., well within the stipulated period. Though the petitioner has filed an appeal well within the time limit, the first respondent dismissed the appeal on the ground of period of limitation. Hence the impugned order dated 01.03.2023 passed by the first respondent is set aside and the appeal filed by the petitioner is remitted back to the first respondent. The first respondent is directed to take the petitioner's appeal on file, if it is otherwise in order and after giving opportunity to the petitioner, private respondents and any other interested rival claimants and dispose the same in the manner known to law within a period of three months from the date of receipt of copy of this order.

5. With the abovesaid direction, the writ petition is disposed of.



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No costs.

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mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Special Commissioner and
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Chennai – 600 005.
2. The District Collector,
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Namakkal – 637 211.



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P.VELMURUGAN, J.

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