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WP No.26924 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14-09-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.26924 of 2023

G.Kabilan

... Petitioner

Vs.

- 1.The District Collector,
O/o.The District Collector,
Nagapattinam District.
- 2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Nagapattinam District.
- 3.The Tahsildar,
O/o.The Tahsildar,
Nagapattinam (Taluk) District.
- 4.The Village Administrative officer,
O/o.The Village Administrative Officer,
Nagapattinam District.
- 5.The Joint Commissioner,
Hindu Religious and Charitable Endowments
Department,
Nagapattinam.



6.The Executive Officer,
Arulmighu Navaneetheswaraswamy Temple,
Sikkal,
Nagapattinam District
[R-5 and R-6 suo motu impleaded vide order
of Court dated 12.09.2023 made in WP No.26924
of 2023]

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 05.04.2023 regarding issuance of patta Survey No.200/5-F, 0.05 cent to the petitioner.

For Petitioner : Ms.V.M.Sushma Priya

For Respondents-1 to 4 : Mr.T.Arunkumar,
Additional Government Pleader.

For Respondents-5 and 6 : Mr.K.Karthikeyan,
Government Advocate (HR&CE)

ORDER

The relief sought for in the present writ petition is for a



Mandamus to direct the respondents to consider the representation of the petitioner dated 05.04.2023 regarding issuance of patta Survey No.200/5-F, 0.05 cent to the petitioner.

2. The petitioner states that he has inherited the subject property from his father. The petitioner is in possession and enjoyment of the land along with the building in the subject property. The petitioner further states that his father filed case under the provisions of the Tamil Nadu Occupants of Kudiyruppu (Conferment of Ownership) Act, 1971 before the Tahsildar, Nagapattinam and against the temple.

3. However, patta was not granted in favour of the father of the writ petitioner. After the demise of the father of the writ petitioner, the petitioner submitted an application to the respondents for grant of patta. The said application of the petitioner was not considered by the respondents. Therefore, the petitioner is constrained to move the present writ petition.



4. This Court has, suo motu, impleaded the HR&CE Department and the temple as the fifth and sixth respondents respectively for the purpose of ascertaining the facts and the status of the subject property.

5. The learned Government Advocate, appearing on behalf of the HR&CE Department, relying on the written instructions given by the Executive Officer of the temple vide letter dated 13.09.2023 states that the subject land is belonging to the temple and it is verified through the Government Thirukoil Temple Nilam Website being maintained by the HR&CE Department.

6. The Temple Authorities have initiated steps to restore the patta in the name of the temple, after noticing the fact that the patta was erroneously granted in favour of some other persons. Since the subject property is found to be the property belonging to the temple, the claim of the petitioner, in his representation, cannot be considered by the Authorities.



7. A mere direction to dispose of the representation would do no service to the cause of justice.

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8. In the present case, the petitioner is in occupation of the temple property.

9. That being the factum, the Temple Authorities and the HR&CE Department are bound to initiate all appropriate actions under the provisions of the HR&CE Act.

10. Accordingly, the present writ petition stands dismissed. However, there shall be no order as to costs.

14-09-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



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WEB COPY

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S.M.SUBRAMANIAM, J.

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