



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3175 of 2023

M.S.M.Meiyappan

... Petitioner

Vs

1.The Commissioner of Survey and Settlement,
Chepauk,
Chennai.

2.The District Collector,
Sivagangai,
Sivagangai District.

3.The Revenue Divisional Officer,
Devakottai,
Sivagangai.

4.The Tahsildar,
Karaikudi Taluk,
Sivagangai.

5.R.M.Kannan

6.L.Nachiappan

7.V.Vasanthi

8.P.Seetha

9.S.Thilakam

10.S.Marikadevi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first to accept the petitioner's objections dated 06.02.2023 to safeguard the temple property bearing S.No. 65/1 situated at Kalanivasal Village, Karaikudi Taluk, Sivagangai District to an extent of 10 acres of lands in the name of Mela Veeranjetti Urani Karaikudi Vinayagar Kovil on the basis of Settlement patta dated



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18.10.1983 by cancelling the patta obtained by the respondents 6 to 10 within a time frame fixed by this Court.

For Petitioner : Mr.R.R.Mohanaraja

For Respondents : Mr.M.Siddharthan
Additional Government Pleader
for R.1 to R.4

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the official respondents. Considering the nature of relief to be granted, issuance of notice to the private respondents is dispensed with.

2.This Court vide order dated 25.01.2023 made in W.P(MD) Nos.16493 of 2020 & 10697 of 2021 (L.Nachiappan & another Vs The District Collector & Others) had issued certain directions. The operative portion of the said order is as follows:

"4. In my view, the issue essentially boils down to the question of identifying the properties covered by the respective pattas on ground. Thiru.L.Nachiappan claims 10 acres of land in old S.No.65/1 on the strength of patta dated 14.10.1983. The Trust also claims title over 10 acres of land in the very same survey number on the strength of patta dated 18.10.1983. It is true that the Commissioner of Survey and Settlement, Chepauk, Chennai had passed an order in favour of Thiru.L.Nachiappan on 28.05.2021 without hearing the Trust or their representative. Therefore the order, dated 28.05.2021 has to be interefered with on the ground of violation of principles of natural justice.

5. If a proper survey is undertaken and the land covered by the respective pattas are identified on ground, then it would give quietus to the entire issue. Even while setting aside the order dated 28.05.2021 passed by the Commissioner of Survey and Settlement, Chepauk, Chennai, the matter is remanded to his file. The Commissioner of Survey and Settlement, Chepauk, Chennai is directed to enquire both the parties and test their claims with reference to the relevant records and the situation on ground. The rights of the parties will abide by the eventual outcome of this exercise of identifying and demarcating the respective properties. This exercise shall be completed within a period of six (6) months from the date of receipt of a copy of this order. Both the writ petitions stand disposed of accordingly. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed."

3.The petitioner claims to be a member of the family involved in the affairs of the trust. He wants his objection also to be taken into account of. The first respondent is called upon to take note



of the petitioner's objections while passing final order. I make it clear that the petitioner will not be entitled to personal hearing. Copy of the objections has been enclosed in Page No.116 of the typed set of papers. The representation dated 06.02.2023 shall be taken note of by the first respondent while passing final order.

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4.This writ petition is disposed of accordingly. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/03/2022

Sub Assistant Registrar(CS)

MGA

To

1.The Commissioner of Survey and Settlement,
Chepauk,
Chennai.

2.The District Collector,
Sivagangai,
Sivagangai District.

3.The Revenue Divisional Officer,
Devakottai,
Sivagangai.

4.The Tahsildar,
Karaikudi Taluk,
Sivagangai.

+1CC to M/s.R.R.Mohanaraja,Advocate(SR.NO.8586)

+1CC to SPL GP(SR.NO.9697)

W.P(MD)No.3175 of 2023
16.02.2023

MGJ/01/03/2023/3P/7C