



W.P(MD)No.12079 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12079 of 2015
and
M.P.(MD)Nos.1 and 2 of 2015

Kanthasamy Thevar

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The District Revenue Officer,
Tirunelveli, Tirunelveli District.

3.The Revenue Divisional Officer,
Cheranmahadevi, Tirunelveli.

4.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to



W.P(MD)No.12079 of 2015

call for the records pertaining to the impugned order passed by the 2nd respondent vide in Nu.Mu.Kaa.2/80337/2010 dated 26.03.2015 and quash the same and consequently directing the respondents to issue patta in favour of the petitioner regarding the land to the extent of Hec.0.08.35 in Survey No.405/23 (Old No.405/1) at Nampithalaivanpattayam Village, Nanguneri Taluk, Tirunelveli District.

For Petitioner : Mr.S.R.Anbarasu

For Respondents : Mr.S.Shanmugavel,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The petitioner is no more. The learned counsel for the petitioner sought time so that the legal heirs can come on record.

3.I am not inclined to adjourn the matter. I went through the contents of the impugned order. The petitioner moved the Sub Collector,



W.P(MD)No.12079 of 2015

Cheranmahadevi for mutating patta in respect of S.No.405/23 which stood in the name of Vinayakar temple. Questioning the order dated 20.11.2010 passed by the Sub Collector, Cheranmahadevi, the petitioner filed a revision before the District Revenue Officer, Tirunelveli. The District Revenue Officer, Tirunelveli also dismissed the revision vide order dated 26.03.2015. Challenging the same, the present writ petition was filed.

4.From a reading of the impugned order, it is seen that the authorities have noted that the petition mentioned land was endowed for rendering service to Kanni Vinayakar Temple in Nampithalaivanpattayam Village. The authorities took note of the fact that in revenue records, the name of the temple has been shown in respect of petition mentioned survey number. In some documents, the temple land has been shown as one of the four boundaries. In these circumstances, if the legal heirs of the deceased writ petitioner want to assert any claim over the petition mentioned land, they can only move the jurisdictional Civil Court for relief.



W.P(MD)No.12079 of 2015

WEB COPY

5. With this liberty to the legal heirs of the deceased writ petitioner, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

05.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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Cheranmahadevi, Tirunelveli.
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W.P(MD)No.12079 of 2015



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W.P(MD)No.12079 of 2015

G.R.SWAMINATHAN, J.

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W.P(MD)No.12079 of 2015

05.09.2023