



W.P.No.6272 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

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K.Govindaraju

...Petitioner

-Vs-

1.The Deputy Collector (Revenue),
Chief of the Deputy Revenue Collectorate,
Karaikal,
Puducherry.

2.The Trustee,
A/M Sri Kothandarama Perumal Temple,
Kovilpathu,
Karaikal,
Puducherry.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the first respondent herein to consider and pass orders in the petitioner's representation dated 21.10.2019 in accordance with law and within a stipulated period and pass such further orders.



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For Petitioner : Mr.K.Govi Ganesan
For Respondents : Mrs.G.Djearany,
Government Advocate (Puducherry)

ORDER

This writ petition is filed for issuance of a Writ of Mandamus, directing the first respondent herein to consider and pass orders in the petitioner's representation dated 21.10.2019.

2. Learned counsel for the petitioner submitted that the lands measuring 5 Ma, 02/64 Kuzhi situated at Kovilpathu Revenue Village, Karaikal, initially belonged to the petitioner's father, late Kunjithapatham @ Venkatachalam, who having purchased the same vide Sale Deed dated 21.01.1956 from one Sultan Maraikar and he was in absolute possession and enjoyment of the same. The petitioner's father died on 05.10.1974 and being the only son, he succeeded to the above said lands and now he is in absolute possession and enjoyment of the same.

3. Learned counsel further submitted that the petitioner's father was a Devotee of Lord Sri Kothandarama Perumal Temple at Kovilpathu and had



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immense faith. He executed a Deed dated 28.7.1973 and registered as Doc.No.434/1973 in SRO, Karaikal, whereby he clearly stated that he and after his male descendants from the revenue out of the above said lands have to meet out the expenses of Masimagam Day for the travelling of the Lord between the places. Further, he had also clearly mentioned that the office bearers of the Temple cannot make any claim or right over the property. The possession of the lands was never handed over to the Temple at any point of time and till date the possession is with the petitioner. The petitioner's family is in absolute possession and enjoyment of the above said lands and also cultivating the said lands.

4. Learned counsel further submitted that it is pertinent to point out that the lands have not been transferred or possession given to the Temple. But the Patta was erroneously issued in the name of the Temple. No notice was issued to the petitioner. The petitioner came to know about that recently when a part of the land was sought to be acquired for the purpose of Highways connecting Villupuram – Nagapattinam and the authorities informed them that compensation will be issued to persons whose names are found in the Revenue Records.



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5. Learned counsel further submitted that the petitioner made a representation to the first respondent herein dated 21.10.2019 requesting him to delete the name of the Temple from the Patta and issue it in the petitioner's name. The said representation was duly served on the first respondent and the same has not been considered till date. On the other hand, the Land Acquisition Officer, is trying to disburse the compensation amounts to Temple, which is not absolutely entitled for any compensation. Hence, the present writ petition has been filed.

6. Heard both sides and perused the materials available on record.

7. In view of the limited prayer sought for, this Court directs the first respondent / Deputy Collector (Revenue), Chief of the Deputy Revenue Collectorate, Karaikal, Puducherry, to consider the petitioner's representation dated 21.10.2019, after giving due notice to both parties, opportunity of personal hearing to the petitioner as well as rival claimants/interested parties if any, to take into consideration the documents filed by the parties and pass appropriate orders on merits, in accordance with law thereby following the above principles of natural



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**justice within a period of eight weeks from the date of receipt of a copy
of this order.**

In the result, the **writ petition stands disposed of with the above
observation and direction.** No costs.

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cda

Index : Yes/No

Speaking / Non Speaking Order

To

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J.SATHYA NARAYANA PRASAD, J.

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