



WEB COPY



W.P.No.11038 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

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THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.11038 of 2020
W.M.P.No.13434 of 2020

R.Balasubramanian

... Petitioner

Vs.

1. The Commissioner,
Land Administration,
2nd Floor, Ezhilagam,
Chetpet, Chennai - 600 005.
2. The Commissioner,
Commissionerate of Land Reforms,
Ezhilagam,
Chetpet, Chennai - 600 005.
3. Authorised Officer/The Revenue Divisional Officer,
Nagapattinam.
4. The Revenue Divisional Officer,
Mayiladudhurai.
5. Tahsildar,
Mayiladudhurai.
6. The Police Inspector,
Land Grabbing Cell,
District Police Office,
Nagapattinam.
7. Diocese of Tanjore Society,
Represented by its President,
Ayar Illam, Trichy Road, Thanjavur Town.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent herein to dispose the application of the petitioner, dated 10.07.2020 for declaring the property comprised in Old Survey No.186, and New Survey Nos.186/B2 and present Survey Nos.186/B2B having an extent of Acre 1.54 cents., S.No.186/B2B having an extent of Acre 0.69 cents, S.No.186/B2D having an extent of Acre 1.04 cents, S.No.182 having an extent of Acre 0.40 cents and S.No.370/6 having an extent of Acre 0.47 cents being the Government property by conducting procedure under Sections 20, 20(A) of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961.

For the petitioner	: Mr.G.Mutharasu
For the respondents	: Mr.C.Kathiravan, Special Government Pleader, for RR-1 to 6
	: Mr.Father Xavier Arul Raj, Senior Counsel, for M/s.Father Xavier Associates, for R7

ORDER

This Writ Petition has been filed for a direction directing the 3rd respondent to dispose of the application of the petitioner dated 10.07.2020 for declaring the property comprised in Old Survey No.186, and New Survey Nos.186/B2 and present Survey Nos.186/B2B having an extent of Acre 1.54 cents., S.No.186/B2B having an extent of Acre 0.69 cents, S.No.186/B2D



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having an extent of Acre 1.04 cents, S.No.182 having an extent of Acre 0.40 cents and S.No.370/6 having an extent of Acre 0.47 cents being the Government property by conducting procedure under Sections 20, 20(A) of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961.

2. The petitioner claiming to be a worshipper of a temple called as 'Sivan Temple' and submitted a representation alleging that the 7th respondent threatening the general people who are coming to the said temple for worshipping. The land in which the 7th respondent is in possession and enjoyment belongs to the Sivan Temple and on the complaint lodged by the petitioner as well as the 7th respondent, Section 145 of Cr.P.C., proceedings has been initiated by the 4th respondent in R.C.No.2360/2020/B1. However, no order has been passed so far.

3. On a perusal of records, it is seen that the 7th respondent had purchased the subject property through a registered sale deed dated 16.09.2020. Thereafter, the 7th respondent is in possession and enjoyment of the subject property. In fact, the 7th respondent also lodged a complaint as against the miscreants and the same also culminated to the proceedings under Section 145 of Cr.P.C., on



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the file of the 4th respondent. Therefore, the prayer as such sought in this petition cannot be considered and it is liable to be dismissed. However, the 4th respondent is directed to proceed with the enquiry under Section 145 of Cr.P.C., in R.C.No.2360/2020/B1 and complete the same after affording opportunity of personal hearing to the petitioner and the rival claimants and dispose of the same within a period of 12 weeks from the date of receipt of a copy of this order.

4. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

26.09.2024

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Index : Yes/No

Internet : Yes/ No

Speaking order / Non speaking order

Neutral citation : Yes/No



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G.K.ILANTHIRAIYAN, J.,



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