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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.20925 of 2024
and W.M.P.Nos.22861 & 22862 of 2024

1.N.Krishnasamy
2.V.Vijayakumari
3.S.Manonmani alias Maragatham
4.K.Sathyapriya ... Petitioners

versus

1.The District Revenue Officer,
Tiruppur.
2.The Executive Officer,
Arulmigu Vishweshwara Swamy,
Visalatchi Amman and
Subramaniya Swamy Temple,
Nallur, Tiruppur District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records in issuance of the impugned notice of the first respondent in Na.Ka.No.15401/2019/J2, dated 20.12.2023 and quash the same.

For Petitioners : M/s.S.Sithirai Anandam



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For Respondent No.1 : Mr.A.Selvendran
Special Government Pleader

For Respondent No.2 : Mr.S.Ravichandran
Additional Government Pleader
(HR&CE)

ORDER

By consent of both sides, this Writ Petition is disposed of at the stage of admission itself.

2. This Writ Petition has been filed challenging the impugned notice of the first respondent in Na.Ka.No.15401/2019/J2, dated 20.12.2023.

3. Heard the learned counsel for the petitioners, learned Special Government Pleader for the first respondent, learned Additional Government Pleader (H.R.&C.E.) for the second respondent and perused the materials available on record.

4. It is the case of the writ petitioners that the land in Survey Nos.489/1, 489/2 & 489/3 measuring an extent of 0.80 acres, 2.88 acres and



1.11 acres and the land in Survey No.491 measuring an extent of 2.87 ½ acres belongs to the first petitioner by virtue of Sale Deed dated 09.04.1976.

The first petitioner also executed a gift deed to the second petitioner in respect of part of the lands in Survey Nos.489/1, 489/2, 489/3 & 491/2 and part of the lands in Survey Nos.489/1A, 491/1 & 491/2 to the third petitioner and part of the lands in Survey No.489/3A, 489/1A, 489/2 & 491/1 to the fourth petitioner. Now, it appears that the proceedings under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 are initiated. At this stage, the impugned notice has been issued by the District Revenue Officer.

5. It is the contention of the petitioner that the patta has been granted in favour of the temple only in respect of Survey No.489/1 for an extent of 0.80 acres. Such being the position, the impugned notice cannot be sustained in the eye of law. At the outset, notice has been issued on the appeal presented by the H.R.&C.E. against the proceedings of the District Revenue Officer.



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6. In such view of the matter, as the appeal is pending, it is for the petitioners to appear before the District Revenue Officer and file all their objections. Thereafter, the District Revenue Officer is directed to give a proper opportunity to the petitioners and pass an order, on its own merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

29.07.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To
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Nallur, Tiruppur District.



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N.SATHISH KUMAR, J.

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