BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.6372 of 2024

Church of South India,
Thoothukudi – Nazareth Diocese,
Rep. by its Diocesan Treasurer Mr.A.Davidraj,
Diocesan Office, 100, Beach Road,
Caldwell Higher Secondary School Campus,
Thoothukudi – 628 001. ... Petitioner

Vs.

1. The State Government of Tamil Nadu,
   Rep. by Secretary to Government,
   Revenue Department, Fort St. George,
   Chennai – 600 009.

2. The Commissioner of Land Administration,
   Ezhilagam, Chepauk,
   Chennai – 600 005.

3. The District Revenue Officer,
   Thoothukudi, Thoothukudi District.

4. The Revenue Divisional Officer,
   Thiruchendur – 628 215,
   Thoothukudi District.

5. The Tahsildar,
   Thiruchendur – 628 215,
   Thoothukudi District. ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to grant patta and mutate revenue records in the name of petitioner, Church of South India, Thoothukudi - Nazareth Diocese, pertaining to land measuring 12 Acres 86 cents in Survey No. 61 of Meignanapuram Village, Thiruchendur Taluk, Thoothukudi District in the light of the petitioner's representation dated 09.03.2023, 20.03.2023 and 15.04.2023 as per G.O.Ms.No.1971 of Revenue Department dated 14.10.1988, within a reasonable time period to be determined by this Court.

For Petitioner : Mr.N.Dilipkumar

For Respondents : Mr.M.Lingadurai,
Special Government Pleader.

* * *

ORDER

Heard both sides

2. The learned counsel appearing for the petitioner submits that in the petition mentioned survey number, the petitioner diocese is having their Church, School building and also B.Ed college. He states that these buildings are in existence for a very long time. He drew my attention to the fact that in "A" Register, even though the land has been described as sarkar poramboke, in the remarks column "bungalow" has been mentioned. All that the petitioner wants is mutation of revenue record in their favour. In fact the petitioner's request has been favorably recommended. The second respondent has to take a call in the matter.

3. The learned counsel appearing for the petitioner states that the petitioner was unaware of the position that obtained in the revenue record. The school which they are running was granted funds by the government. But it could not be disbursed. When the petitioner made an enquiry, only then the discriminated revenue record came to light.

4. The second respondent is the authority competent to grant relief to the petitioner herein. The second respondent is directed to pass order on the petitioner's representations dated 09.03.2023, 20.03.2023 and 15.04.2023. Three applications have been given by the petitioner because three buildings are involved (Church, School building and B.Ed College building)

5. Considering the special facts and circumstances of this case, the second respondent shall afford personal hearing to the petitioner. The petitioner is at liberty to place all the relevant materials including their long possession and user before the second respondent. The second respondent will pass final order on the petitioner's applications. The entire exercise shall be completed on merits and in accordance with law

within a period of five months from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the matter. This writ petition stands disposed of. No costs.

15.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

Note: Issue order copy on 20.03.2024

To:

1. The Secretary to Government,
   Revenue Department, Fort St. George,
   Chennai – 600 009.

2. The Commissioner of Land Administration,
   Ezhilagam, Chepauk,
   Chennai – 600 005.

3. The District Revenue Officer,
   Thoothukudi, Thoothukudi District.

4. The Revenue Divisional Officer,
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   Thoothukudi District.

5. The Tahsildar,
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   Thoothukudi District.

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.6372 of 2024

15.03.2024