



W.P.(MD) No.17668 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2024

CORAM:

**THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD) No.17668 of 2023

and

W.M.P.(MD) No.14764 of 2023

K.Abimannan (Died)

P2.Karuppasamy

[P2 is substituted vide Court
order dated 20.06.2024 in
W.M.P.(MD) No.5385 of 2024]

... Petitioner

-vs-

1.The Commissioner
HR & CE Department
No.119, Uthamar Gandhi Road
Nungambakkam
Chennai

2.The District Collector
Virudhunagar
Virudhunagar District

3.The District Revenue Officer
Virudhunagar
Virudhunagar District



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4.The Assistant Commissioner
HR & CE Department
Virudhunagar District
Virudhunagar

5.The Executive Officer
Arulmigu Viswanathaswamy Thirukovil
Sivakasi, Virudhunagar District

6.The Thakkar
Sri Arulmigu Sakkammadevi Thirukovil
Having Office at
Arulmigu Viswanathaswamy Thirukovil
Krishnapuri
Sivakasi Taluk
Virudhunagar District

7.The Revenue Divisional Officer
Sivakasi
Virudhunagar District

8.M.Chellapandi

9.C.Swamyrajan

10.A.Muthupandi Nayakar

11.M.Subalu Nayakar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 7 to recover the lands belonging to the sixth respondent / Sri Arulmigu Sakkammadevi Thirukovil,



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in Krishnaperi Village in SR No.174, 59, Thajakudi Village, in SR No.583/1, 632, 322/4, 263, 336, 713, 732 and Vadapatti Village SR No.862, Sivakasi Taluk, Virudhunagar District, from the respondents 8 to 11 by considering the petitioner's representation dated 28.03.2023.

For Petitioner : Mr.E.Mareeskumar

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R3, R5 to R7
Mr.P.Subbaraj
Special Government Pleader for R4
Mr.R.T.Arivukumar for R8, R10 & R11

ORDER

[Order of the Court was made by The Hon'ble ACTING CHIEF JUSTICE]

Prayer in this writ petition is to direct the respondents 1 to 7 to recover the lands belonging to the sixth respondent / Sri Arulmigu Sakkammadevi Thirukovil, in Survey Nos.174 & 59 of Krishnaperi Village, Survey Nos.583/1, 632, 322/4, 263, 336, 713, 732 of Thajakudi Village and Survey No.862 Vadapatti Village, Sivakasi Taluk, Virudhunagar District, from the respondents 8 to 11, by considering the petitioner's representation dated 28.03.2023.



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2. According to the petitioner, the subject lands are belonged to the sixth respondent – Temple. The respondents 8 to 11 have formed a Trust in the name of Arulmigu Sakkammadevi Amman Thirukovil Trust and registered the lands belonging to the sixth respondent – Temple in the name of the said Trust and changed the revenue records also in the name of the said Trust. Based on the representation of the villagers, the Thakkar of the sixth respondent – Temple filed an appeal before the Revenue Divisional Officer / seventh respondent under Section 12 of the Patta Passbook Act, 1983 to cancel the patta mutated in the name of the respondents 8 to 11. The seventh respondent has forwarded the said appeal to the District Revenue Officer / third respondent for enquiry. However, thereafter no effective steps were taken in the said appeal. Therefore, on 28.03.2023, the petitioner made a representation to the official respondents to take steps to recover the lands belonging to the sixth respondent – Temple from the respondents 8 to 11. However, subsequently, no fruitful steps were taken on the said representation. Hence, this writ petition.

3. Learned Government Pleader appearing for the 1 to 3, 5 to 7, on instructions, would submit that the appeal filed by the sixth respondent –



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Temple has been dismissed *vide* proceedings of the Revenue Divisional Officer / seventh respondent, dated 16.09.2019 and seeking to review the said order, the sixth respondent has filed a review application before the District Revenue Officer / third respondent and enquiry is pending before the third respondent. Therefore, he prays for suitable direction to the third respondent to dispose of the review application expeditiously so as to resolve the issue on hand.

4. Learned counsel for the petitioner has not disputed the above submission of the learned Government Pleader.

5. Taking into consideration the facts and circumstances of the case, since the review application filed by the sixth respondent – Temple is pending before the District Revenue Officer, we deem it fit to issue a direction to the District Revenue Officer to dispose of the said review application in accordance with law, expeditiously.

6. Accordingly, this writ petition is disposed of with a direction to the District Revenue Officer / third respondent to dispose of the review application filed by the sixth respondent – Temple, on merits and in



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accordance with law, after due notice to the parties concerned, as expeditiously as possible preferably within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., A.C.J.] [R.V., J.]

19.07.2024

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

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To:

- 1.The Commissioner,
HR & CE Department,
No.119, Uthamar Gandhi Road,
Nungambakkam, Chennai.
- 2.The District Collector,
Virudhunagar,
Virudhunagar District.
- 3.The District Revenue Officer,
Virudhunagar,
Virudhunagar District.
- 4.The Assistant Commissioner,
HR & CE Department,
Virudhunagar District,
Virudhunagar.



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- 5.The Executive Officer,
Arulmigu Viswanathaswamy Thirukovil,
Sivakasi, Virudhunagar District.
- 6.The Thakkar,
Sri Arulmigu Sakkammadevi Thirukovil,
Having Office at
Arulmigu Viswanathaswamy Thirukovil,
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