



W.P.(MD) No.20750 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.20750 of 2024

and

W.M.P(MD)No.17582 of 2024

M.V.Srinivasamoorthi

.. Petitioner

Vs.

1.The District Collector,
O/o the District Collector,
Karur, Karur District.

2.The Revenue Divisional Officer,
Karur, Karur District Officer.

3.The Tahsildar,
Office of the Tahsildar,
Manmangalam Taluk,
Manmangalam, Karur District.

4.The Assistant Commissioner,
O/o Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Saminathapuram (South),
Karur Town, Karur District.

.. Respondents



W.P.(MD) No.20750 of 2024

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, direction to the 3rd respondent to Transfer the patta in the names of the Legal heir based on the representation, dated 09.02.2023 within a time stipulated fixed by this Court.

For Petitioner : Mr.R.M.Loganathan
For R1 – R3 : Mr.B.Saravanan
Additional Government Pleader
For R4 : Mr.S.Selvaganesan
Additional Government Pleader

ORDER

The above writ petition is filed for a Mandamus to direct the 3rd respondent to transfer the patta in the name of the petitioner and his siblings who claim under Narasimha Chitti and 19 others.

2. It is the case of the petitioner that the lands comprised in Survey Nos.38, 39 and 42 measuring an extent of 0.51 acres, 0.79 acres and 0.58 acres respectively situated in Manmangalam Village belonged to 19 of their ancestors from the year 1900. The Government had initiated survey of these fields for resettlement in the year 1912 and the properties were



W.P.(MD) No.20750 of 2024

registered as patta land in the name of M.R.L.Narasimha Chitti and 19 others under holding No.344. Ever since then, the petitioner and his ancestors have been in possession and enjoyment of the said lands without any encumbrance. After the demise of his predecessors in title one after the others, ultimately, the suit property came to the share of the petitioner's father and during UDR scheme, patta was also registered in the name of this father under holding No.1300. However, the petitioner's grand-father's name was shown as Rajagopal Chettiar instead of Govindarajulu Chettiar.

3. Therefore, the petitioner had made a representation to the respondents 2 and 3 along with death certificate of his father on 14.10.2022 to correct the name of his grand-father. However, no notice was received from the 3rd respondent's office, though the 2nd respondent had directed the 3rd respondent to hold an enquiry and to send a report on the representation of the petitioner, dated 29.11.2022. Despite several attempts, the petitioner was not successful in getting orders from the 3rd respondent. During pendency of the proceedings before the respondents



W.P.(MD) No.20750 of 2024

2 and 3, the petitioner and the other legal heirs of his father had decided to sell the suit property under holding no.1300 of Manmangalam village. The Registration Department instructed them to mutate the patta in their name. Therefore, the petitioner had submitted all the documents before the 'E' service center along with the names of the legal heirs for the online process of the patta transfer in the names of the legal heirs on 04.01.2023. However, the petitioner was unable to login. Therefore, the petitioner had approached the 3rd respondent office and made enquiry. They also were unable to assist the petitioner. Therefore, the petitioner made private efforts by entering a website called "Tamilnilam", he came to understand that the lands were classified as Temple lands. He had immediately filed a representation, dated 09.02.2023 to delete the properties from the website created by the Government and to mutate the patta in favour of the legal heirs. The petitioner was directed to appear before the Village Administrative Officer along with the relevant records.

4. The petitioner therefore approached the Village Administrative Officer with the copies of the documents. However, there was no



W.P.(MD) No.20750 of 2024

response. On 07.08.2023, he was served with a notice asking him to be present for enquiry on 24.08.2023 and on 24.08.2023, he had appeared before the 2nd respondent and submitted a statement. The petitioner would submit that despite several representations, the respondents have failed to remove the entry from the Tamilnilam website and therefore, the petitioner is before this Court.

5. It was submitted by the learned Government Advocate that the lands in question have been classified as Temple lands since they had been dedicated by Rajagopala Chettiar as choultry in the name and style of Rajagopala Chettiar Choultry which come under the Hindu Religious and Charitable Endowments department and it is for this reason that the transfer has not taken place.

6. The petitioner has provided documents to show that the property was standing in the name of his predecessors in title in the form of survey and resettlement register in respect of Manmangalam village and also the patta which stands in the name of the petitioner's father,



W.P.(MD) No.20750 of 2024

Viveganandha Chettiar s/o Rajagopala Chettiar, to which patta has been issued in the year 2013 in Patta No.1300 and 1301. There is no document as to how the lands have been classified as Temple lands.

7. Be that as it may, considering the fact that the petitioner has made a representation on 09.02.2023, a mandamus is issued to the 3rd respondent to consider the same and pass orders, after hearing the petitioner as well as the Hindu Religious and Charitable Endowments department. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of copy of this order.

8. With the above directions, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

02.09.2024

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

To



W.P.(MD) No.20750 of 2024

1. The District Collector,
O/o the District Collector,
Karur, Karur District.
2. The Revenue Divisional Officer,
Karur, Karur District Officer.
3. The Tahsildar,
Office of the Tahsildar,
Manmangalam Taluk,
Manmangalam, Karur District.
4. The Assistant Commissioner,
O/o Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Saminathapuram (South),
Karur Town, Karur District.



WEB COPY



W.P.(MD) No.20750 of 2024

P.T.ASHA, J.

gbg

W.P.(MD) No.20750 of 2024



WEB COPY



W.P.(MD) No.20750 of 2024

02.09.2024