



W.P.(MD)No.3486 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.3486 of 2025
and
W.M.P.(MD)Nos.2470 and 2480 of 2025

Fit Person / Thakkar,
A/m. Mahadevar Thirukoil,
Thikkurichi,
Vilavancode Taluk,
Kanniyakumari District.

... Petitioner

/Vs./

1.The Sub Collector,
Padmanabhapuram @ Thuckalay,
Kanniyakumari District – 629 175.

2.The Tahsildhar,
Vilavancode Taluk,
Kanniyakumari District.

3.The inspector of Police,
Marthandam Police Station,
Kanniyakumari District.

4.K.Kamaraj

5.Suresh Kumar

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to cancel the patta granted in favour of the fourth respondent and mutate the same to the name of the temple in respect of lands in S.No.693/3, measuring about 0.14.00 Ares, situated in Pacode-B Revenue Village, Vilavancode Taluk, Kanyakumari District and by adopting and employing necessary measures and steps for the said purpose.

For Petitioner : Mr.V.R.Shanmuganathan

For Respondents : Mr.S.Kameswaran
Government Advocate for R1 & 2

: Mr.S.Prakash,
Government Advocate for R3

ORDER

The instant writ petition has been filed seeking a Writ of Mandamus, to direct the second respondent to cancel the patta issued in favour of the fourth respondent, without any notice to the petitioner.

2. Admittedly, the patta in respect of the subject lands in S.No. 693/3, measuring about 0.14.00 Ares, situated in Pacode-B Revenue Village, Vilavancode Taluk, Kanyakumari District, were mutated in the name of the petitioner temple, represented by its Fit person / Thakkar.



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Without issuing notice or conducting any enquiry, the patta in the name of the petitioner temple has been cancelled and patta has been issued in the name of the fourth respondent, behind the back of the petitioner.

3. The learned Government Advocate, on instructions, would submit that the first respondent is enquiring and as late as on 13.02.2025, where all the parties including the petitioner appeared for enquiry. Considering that the first respondent is conducting an enquiry, it would suffice to issue a direction to the first respondent to conclude the enquiry pending on his file within a period of eight weeks subject to further

4. The relief sought for by the petitioner is only of issuance of Writ of Mandamus, seeking direction to the respondents 1 and 2, to cancel the patta in favour of the fourth respondent and consequently mutate the same in the name of the temple. Considering the pending enquiry before the first respondent, seeking only a cancellation of patta issued to the fourth respondent, this Court directs the first respondent to conclude the enquiry pending on its file within a period of eight (8) weeks from the date of receipt of copy of this order and subject to the final decision of



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the first respondent, further orders regarding mutation of patta shall consequently follow.

5. Mr.V.R.Shanmuganathan, learned counsel for the petitioner would submit that pending the enquiry before the first respondent, taking advantage of the transfer of patta in the name of fourth respondent, the fourth respondent restraining to encumber the subject lands in Survey No.693/3, which belongs to the petitioner temple and would seek for interim protection.

6. In view of the matter being relegated to the first respondent to conduct detail enquiry and pass final orders, it shall be open to the petitioner to move an application for interim orders on directions, pending enquiry such proper interim orders or directions before the first respondent. Pending the enquiry, if and when any such interim application is filed, the first respondent shall dispose of the same, in accordance with law and on its own merits, without delay and preferably within a period of two weeks from the date of application being filed by the petitioner.



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7. With the above direction, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
NCC : Yes / No
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P.B. BALAJI, J.

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Order made in
W.P.(MD)No.3486 of 2025

Dated:
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