



W.P.(MD)No.4930 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.02.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.4930 of 2025

K.Asokan

... Petitioner

/Vs./

1. The District Collector,
Tenkasi, Tenkasi District.

2. The District Revenue Officer,
Tenkasi,
Tenkasi District.

3. The Revenue Divisional Officer,
Tenkasi, Tenkasi District.

4. The Tahsildar,
Tenkasi Taluk,
Tenkasi District.

5. A.V.S.Sankarasubramanian

6. Sethuramalingam

7. Thiyagarajan

8. Kuthualingam

9. Baskar

10. S.Esakkiraja

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to transfer the patta in the name of the petitioner's family by way of cancel the patta in respect of the land in the name of the Keela Sankaralinga Swamy Temple which is situated in old Survey Number 685, Tenkasi Taluk, Tenkasi Town, Tenkasi District with an extent of 34 cents by considering the representation of the petitioner dated 29.01.2025.

For Petitioner : Mr.K.P.Sankarakumarakurubaran

For Respondent Nos.1 to 4 : Mr.M.Lingadurai
Special Government Pleader

ORDER

The petitioner seeks issuance of Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 29.01.2025.

2. The learned Special Government Pleader would submit that the Commissioner of Land Administration would have to consent for any such transfer of patta in the name of the petitioner's family, since the property has been mutated in the name of the temple i.e., Arulmigu Sanakaralinga Swamy Temple. Further, he submitted that the petitioner had filed a civil suit which was admittedly dismissed for non



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prosecution. Further considering the fact that the petitioner claims right for over 100 years and he has been able to show, prima facie, before this Court that construction was also put up by the family members of the petitioner and the petitioner's family members are also collecting rents from the shops let out, it is not known how the patta was mutated in the name of the temple. Based on which, the temple also obtained building assessment in their name. Challenging the said building assessment in the name of the temple, the petitioner also filed W.P.(MD).No.2861 of 2025, which is admittedly pending before this Court.

3. Considering that the petitioner only made a representation on 29.01.2025, seeking the respondents to transfer the patta in the name of the petitioner, after cancelling the patta issued to the temple, it would suffice to issue a direction to third respondent to consider and pass orders on the petitioner's representation dated 29.01.2025, after affording opportunity to the petitioner as well as the trustees of the temple, namely Arulmigu Sankaralinga Swamy Temple, who are arrayed as respondent Nos.5 to 10 herein. The third respondent shall pass orders on the petitioner's representation, after hearing all the parties interested and if



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the third respondent is of the opinion that consent would have to be obtained from the Commissioner of Land Administration, the enquiry findings can be forwarded to the Commissioner of Land Administration and suitable orders obtained from the Commissioner of Land Administration and thereafter, final orders shall be passed by the third respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

4. With the above said observations, this writ petition is disposed of. No costs.

Index : Yes / No
NCC : Yes / No
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TO:-

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P.B. BALAJI, J.

gvn

Order made in
W.P.(MD)No.4930 of 2025

Dated:
24.02.2025