

(2010) 11 MAD CK 0342

Madras High Court (Madurai Bench)

Case No: Writ Petition (MD) No. 12052 of 2009 and M.P. (MD) No. 1 of 2009

M. Sethupathi

APPELLANT

Vs

The District Collector, The
Tahsildar, The Joint
Commissioner, H.R. and C.E.
Department and The Executive
Officer

RESPONDENT

Date of Decision: Nov. 26, 2010

Hon'ble Judges: P. Jyothimani, J

Bench: Single Bench

Advocate: R. Karthikeyan, for the Appellant; Pala Ramasamy, Special Government Pleader for Respondents 1 and 2 and K.M. Vijayakumar, Special Government Pleader for Respondents 3 and 4, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

P. Jyothimani, J.

Heard the learned Counsel for the Petitioner as well as the learned Counsel for the Respondents.

2. The Petitioner has been declared as Hereditary trustee as per the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 and the same has also been confirmed in C.M.A. No. 28 of 1984 in the judgment dated 21.09.2009.

3. The Petitioner anticipates that the first and second Respondents are likely to transfer the property belonging to the fourth Respondent temple to third parties. As per the contention that after the settlement proceedings are completed, the Tahsildar as well as the Collector should issue patta in the name of the temple. Therefore, the present writ petition is filed for the issuance of Writ of Mandamus, forbearing the Respondents from granting assignment in respect of the properties belonging to the fourth Respondent temple to any third parties. It is seen that the

Petitioner has infact made a representation to the first Respondent on 02.11.2009 for the purpose of grant of patta in favour of the Petitioner temple. In such circumstances, I am of the view that the first Respondent should be directed to consider the said representation for the purpose of grant of patta based on the settlement proceedings.

4. In such view of the matter, the writ petition stands disposed of with a direction to the first Respondent to consider the representation of the Petitioner dated 02.11.2009 for the purpose of issuance of patta in respect of the property in the name of the temple and such an order shall be passed on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Making it clear that until such an order passed by the Respondents, no steps shall be taken for alienating the property to any third parties. No costs. Consequently, connected miscellaneous petitions is closed.