



W.P(MD)No.14376 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.14376 of 2023

M.Kumaravel

... Petitioner

Vs.

1.The District Collector
Madurai District,
Madurai.

2.The Tahsildar
T.Vadipatti,
Madurai District.

3.The Taluk Surveyor
Thasildar Office,
T.Vadipatti,
Madurai District.

4.The Village Administrative Officer,
Chinna Ilanthaikulam,
Madurai District.

5.G.Saravanan

... Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents particularly 2nd to 4th respondents to measure the Sri Gurunatha Swamy Temple property vide survey Nos.3/1 to an extent of 49.50 ares, 3/2 to an extent of 13.50 ares, and 3/3 to an extent of 11.50 ares situated at Amaradakki Village, Chinna Ilanthaikulam, Vadipatti Taluk, Madurai District, in pursuance of petitioner's representation, dated 11.05.2023.

For Petitioner : Mr.K.Prabakaran

For Respondents : Mr.N.Muthu Vijayan,- for R1 to R4
Special Government Pleader
Mr.J.Gunaseelan Muthaiah - for R5

ORDER

I am not impressed with the locus of the petitioner seeking a Mandamus to the respondents 2 to 4 to measure the temple property, Sri Gurunatha Swamy Temple, at Survey No.3/1 measuring 49.50 ares, in Survey No.3/2 measuring 13.50 ares and in Survey No.3/3 measuring 11.50 ares at Amaradakki Village, Chinna Ilanthaikulam, Vadipatti Taluk, Madurai District.



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2. The petitioner claims that a group of villagers had formed a trust. They can form a trust to conduct festival for the temple, to enable the general public to worship the deity and for such other purposes. But it appears that they are more interested in the lands of the temple.

3. I do not find that the representation given by them or the decision to form a trust is bonafide in nature. It is borne out of a malafide intention. The Court cannot issue a Mandamus just because an individual wants the land of the temple to be measured. It is the prerogative of those in control of the temple to seek such right. The temple had been established in the year 1984. The trust has been formed in the year 2021. Since the petitioner has not effectively made out bonafide to the satisfaction of the Court, the Writ Petition stands dismissed. No costs.

19.06.2023

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

RM



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C.V.KARTHIKEYAN, J.

RM

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