



W.A.(MD).No.1242 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2023

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD)No.1242 of 2023

M.Kumaravel

.. Appellant

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Tahsildar,
T.Vadipatti, Madurai District.

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

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

5.G.Saravanan

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 19.06.2023 made in W.P.(MD).No.14376 of 2023 on the file of this Court.



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For Appellant : Mr.K.Prabakaran
For R1 to R4 : Mr.M.Lingadurai,
Special Government Pleader
For R5 : Mr.J.Gunaseelan Muthiah

JUDGMENT

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM,J.**)

This Writ Appeal has been directed against the order dated 19.06.2023 passed in W.P.(MD)No.14376 of 2023.

2.The writ petitioner is the appellant. The Writ Petition was instituted to direct the respondents 2 to 4 to measure 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 the petitioner's representation dated 11.05.2023.

3.Admittedly, the temple, namely, Sri Gurunatha Swamy Temple is a private temple. The writ petitioner says that the villagers formed a trust and they



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are maintaining the same. Since the temple is not falling under the control of the Hindu Religious Charitable and Endowment Department, any dispute including the property dispute is to be adjudicated before the competent civil Court of law.

4.It is brought to our notice that one Ramasamymaniyam has mortgaged the temple property without knowledge of the temple management. If at all any illegal alienation, mortgage or otherwise have been done by any third party, the temple management or the worshipper is entitled to institute a suit, seeking appropriate relief to protect the temple properties. Therefore, the appellant is at liberty to do so by approaching the civil Court of law in the manner known to law.

5.With this liberty, this Writ Appeal stands disposed of. No costs.

(S.M.S.,J.) & (V.L.N.,J.)

15.12.2023

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

Yuva



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S.M.SUBRAMANIAM,J.

and

V.LAKSHMINARAYANAN,J.

Yuva

To

- 1.The District Collector,
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