



W.P(MD)No.2375 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2375 of 2015

and

M.P.(MD)Nos.1&2 of 2015

Ayikudi Kambli Arulmighu Mahalingam Trust,
(Registration No.4/93)
Represented by its Managing Trustee,
R.Kulanthaivelu
S/o.M.K.Ramaiah Mudaliar,
Siddar Asaramam
Annathana Mandapam at Mahalingamalai,
Kambili, Ayikudi Post, Tenkasi Taluk,
Tirunelveli District.

... Petitioner

Vs.

1.The District Revenue Officer,
Tirunelveli.

2.The Revenue Divisional Officer,
(Sub-Collector)
Tenkasi,
Tirunelveli District.

3.The Joint Commissioner/Executive Officer,
HR & CE Department,
Suseendram,
Kanyakumari District.

... Respondents



W.P(MD)No.2375 of 2015

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the respondents from enforcing the order of the 2nd Respondent in Na.Ka. A4/2243/2012 dated 28.02.2013, pending Revision dated 07.12.2013 before the 1st Respondent and consequently directing the 3rd Respondent not to interfere with the day to day affairs of the Petitioner Trust relating to performace of Poojas, Annathanam etc., at Arumighu Malaiudaiyar Sastha Thirukovil, Mahalingapuram, Aiykudi, Tenkasi Taluk, Tirunelveli District, pursuant to the order of the 2nd Respondent in Na.Ka. No. A4/2243/2012 dated 28.02.2013.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.D.Gandhirajan
Special Government Pleader for R1 & R2

: Mr.K.Sathiyasingh for R3

ORDER

Heard both sides.

2. The writ petitioner is a registered Trust. The petitioner took over the petition mentioned property from the pattadhars in the year 2012. The pattadhars executed the consent deed dated 13.01.2012 in favour of the Trust. Based on the same, the Trust applied to the Tahsildar and got their names mutated in respect of Survey No.629/3, Ayikudi Village, covered by Patta No.2352. Aggrieved by the same, the third respondent filed an appeal before the Revenue Divisional



W.P(MD)No.2375 of 2015

Officer, Tenkasi who by the order dated 28.02.2013 set aside the mutation and restored the original position. Challenging the said order, the petitioner moved the District Revenue Officer, Tirunelveli. The District Revenue Officer, Tirunelveli confirmed the order passed by the Revenue Divisional Officer. Challenging the same, this writ petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition.

4. He submitted that the property in question belonged to Travancore Raja. The title deed was granted in favour of certain persons who were carrying out the religious and charitable activities by way of royal proclamation. In the "A register", the property is standing in the name of Arumuga Velar, Muthusamy Velar & Chidambara Velar. It is also mentioned therein that it is for the poojai activities of Malaiyudayan Sastha Temple. From the legal heirs of the said individuals, the petitioner Trust had obtained property.

5. The stand of the Government is that the property was given as 'service inam' and that it partakes the character of specific



W.P(MD)No.2375 of 2015

endowment and hence, Section 34 of the Tamil Nadu HR & CE Act, 1959 will come into play. The petitioner has approached the civil court by filing O.S.No.179 of 2021 on the file of the Additional District Munsif Court, Tenkasi to establish their rights. Now, the jurisdictional civil court is seized of the matter.

6. Any observation made in this writ petition would definitely affect the rights of the parties and prejudice their case. I therefore consciously refrain from going into the merits of the matter. The Revenue Divisional Officer as well as the District Revenue Officer have merely restored the original position reflecting in the “A register”. This is all the more so because, the petitioner has already approached the jurisdictional civil court for declaration of their rights. The order impugned in the writ petition will abide by the outcome of the civil suit. The learned counsel appearing for the petitioner states that the petitioner is a religious and charitable Trust. It is only carrying on pooja activities and annathanam in the petition mentioned properties. This Court while granting interim relief had specifically stated that annathanam and pooja activities can very well go on without interference from the respondents. Therefore, interim



W.P(MD)No.2375 of 2015

arrangement can very well continue. I make it clear that carrying out annathanam in the petition mentioned properties cannot by any stretch of imagination affect anybody's right. This can very well go on.

7. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

03.08.2023

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

- 1.The District Revenue Officer,
Tirunelveli.
- 2.The Revenue Divisional Officer,
(Sub-Collector)
Tenkasi,
Tirunelveli District.



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W.P(MD)No.2375 of 2015

G.R.SWAMINATHAN, J.

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W.P(MD)No.2375 of 2015

03.08.2023