



W.P.(MD)No.22689 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MR.JUSTICE D.BHARATHA
CHAKRAVARTHY**

W.P(MD)No.22689 of 2023
and
W.M.P(MD)Nos.18951 and 18952 of 2023

K.V.Sekar

... Petitioner

Vs.

- 1.The District Collector, Collectorate,
Tiruchirappalli.
- 2.The Revenue Divisional Officer,
Tiruchirappalli.
- 3.The Tahsildar, Thiruverumbur Taluk,
Tiruchirappalli District.
- 4.The Joint Commissioner, HR & CE Dept.,
Thiruvanaikovil, Tiruchirappalli – 620005.
- 5.The Asst. Commissioner, HR & CE Dept.,
Thiruvanaikovil, Tiruchirappalli – 620005.
- 6.The Executive Officer,
Arulmighu Erumputreeswarar Temple,
Thiruverumbur, Tiruchirappalli.



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7.The Spl. Tahsildar, Land Acquisition,
Collectorate Complex, Tiruchirappalli.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 6 to retrieve the landed properties belonging to “Arulmighu Kaveri Amman Temple, Kattumavadiyan Temple, Ayyanar Temple and Munishewaran Temple, Keelakurichi, Thiruverumbur Taluk, Tiruchirappalli District” as per doc.No.721 of 1918 registered on the file of Joint No.3 Sub Registrar, Tiruchirappalli and also the other properties standing in the name of the said temples, from the encroachers by cancelling their patta, chitta, title documents or any other mode of illegal encumbrance within a time frame fixed by this Court.

For Petitioner	:Mr.R.S.Sivaram
For R-1 to R-3 & R-7	:Mr.P.Thilakk Kumar, Government Pleader
For R-4 & R-5	:Mr.S.P.Maharajan, Special Government Pleader
For R-6	:Mr.V.Chandrasekar



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ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

Heard Mr.R.S.Sivaram, learned counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader, who takes notice for respondents 1 to 3 and 7, Mr.S.P.Maharajan, learned Special Government Pleader, who takes notice for respondents 4 & 5 and Mr.V.Chandrasekar, learned counsel, who takes notice for the sixth respondent.

2. The petitioner has filed this writ petition as a 'Public Interest Litigation' with a prayer to issue a direction to respondents to retrieve the landed properties granted to the temples namely Arulmighu Kaveri Amman Temple, Kattumavadiyan Temple, Ayyanar Temple and Munishwaran Temple of keelakurichi, Thiruverumbur Taluk, Tiruchirappalli District, as per Document No.721 of 1918 registered on the file of the Joint No.3 Sub-Registrar, Tiruchirappalli.

3. It is the case of the petitioner that the said temples are ancient temples and are under the control of respondents 4 to 6. The



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grievance of the petitioner is that several private persons have encroached the lands and that, the persons who were at the helm of affairs failed to take action to retrieve the lands settled in favour of the temples measuring about 96 acres of land vide Document N.721 of 1918. Hence, the petitioner has approached this Court with the aforesaid prayer.

4. The petitioner contends that several persons have obtained patta and got their name included in the revenue records and that, the temple authorities have not taken any action. The petitioner earlier filed a suit in O.S.No.1466 of 2002 on the file of the District Munsif Court, Trichy, for permanent injunction restraining the Land Acquisition Officer and the Government from disbursing compensation to private individuals referring to the decree granted in favour of the individuals. However, no revenue record is produced to show that the temple is the owner of vast extent of land as claimed by the petitioner.

5. The petitioner relied upon the proceedings of the revenue officials wherein the Tahsildar concerned has earlier recommended that the request of the temples for mutation of record in favour of the temples



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can be considered. The petitioner has also produced before this Court the proceedings of the Tahsildar, Thiruverumbur Taluk, dated 21.12.2022 wherein the Tahsildar has specifically observed as follows:

“UDR “அ” பதிவேட்டில் மேற்கண்ட கோவிலுக்கு சொந்தமான புல எண்கள் கோவில்களின் பெயரிலேயே பதிவாகியுள்ளன. மனுதாரர் கே.வி.சேகர் என்பவர் கீழ்க்குறிச்சி கிராமத்தில் அருள்மிகு ஸ்ரீகாட்டுமாவையான் ஸ்ரீமுனிஸ்வரன் ஸ்ரீஅய்யனார் ஸ்ரீசாம்பான் ஆகிய கோவில்களுக்கு 1570 ஏக்கர் நிலங்கள் சொந்தமாக இருந்ததாகவும் 1927 ஆம் வருட RSR ஆவணங்களின் படி கோவில் பெயரில் பட்டா வழங்கவும் கோரியுள்ளார். கீழ்க்குறிச்சி கிராம “அ” பதிவேட்டின் படி மேற்கண்ட பட்டியலில் காணும் புல எண்களை தவிர மீற புல எண்கள் பட்டா நிலங்களாக பல்வேறு நபர்களின் பெயரில் பதிவாகியுள்ளது. மேலும், மனுதாரர் 1927 ஆம் ஆண்டில் TD 1536 மற்றும் TD 1537 இன் படி கோவில்கள் பெயரில் இருந்ததாகவும் தற்போது மேற்கண்ட புல எண்கள் பட்டா நிலமாக பட்டாதாரர்கள் பெயரில் UDR “அ” பதிவேட்டில் பதிவாகியுள்ளதாகவும் மேற்கண்ட பெயர்களை நீக்கம் செய்து கோவில்களின் பெயரில் நில உடமை மேம்பாட்டுத்திட்ட திருத்தம் செய்ய கோரியுள்ளார். கோரிக்கைக்கு ஆதாரமாக வில்லங்கச்சான்று ஏதும் மனுதாரர் சமர்ப்பிக்காததால் கோரிக்கையினை பரிசீலனை செய்ய முடியவில்லை. எனவே, மனுதாரர் நில உடமை மேம்பாட்டுத்திட்ட திருத்தம் செய்ய கோரும் புல எண்களை குறிப்பிட்டும் அப்புல எண்கள் தொடர்பாக 1927 – ஆம் ஆண்டிலிருந்து வில்லங்க சான்று சார்பதிவாளர்



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அலுவலகத்திலிருந்து பெற்று சமர்ப்பிக்கும் பட்சத்தில் மேற்கண்ட
கோரிக்கை தொடர்பாக பரிசீலனை செய்வ இயலும் என்ற விபரம்
தொரிவிக்கப்படுகிறது.”

6. From the proceedings of the Tahsildar, this Court finds that the petitioner or anyone interested in the temple properties should produce documents before the revenue officials to consider the claim that the substantial properties belong to the temples.

7. However, the petitioner in his representation, dated 18.05.2023, requested to retrieve the lands. Further, it is seen that the petitioner is the former trustee of the temples. From the typed set of papers filed by the petitioner, this Court finds that the petitioner has not taken any step so far to file a suit for declaration of title or for recovery of possession either as a trustee or even as a worshipper of the temple.

8. In such circumstances, this Court finds no bonafides in the present litigation. The petitioner himself can file a suit as a worshipper of the temples, if really aggrieved. However, without approaching the civil Court, the petitioner has filed this writ petition and the same is



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liable to be dismissed. Further, the petitioner has not impleaded the persons who are claiming right over the property of the temple lands. Hence, this writ petition is liable to be dismissed on the ground of non-joinder of necessary parties also.

9. In view of the foregoing, leaving it open to the petitioner to file a suit to establish the right of the temples, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[S.S.S.R., J.] [D.B.C., J.]
19.09.2023

Index : Yes / No
NCC : Yes/No

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S.S.SUNDAR, J.

and

D.BHARATHA CHAKRAVARTHY, J.

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