



W.P(MD)No.28276 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 30.11.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P(MD)No.28276 of 2023**

**and**

**W.M.P(MD)Nos.24341 & 24342 of 2023**

1.S.Erramma Naicker

2.Chellapandi @ A.Erramma Naicker

... Petitioners

Vs.

1.The District Collector,  
Theni District.

2.The Revenue Divisional Officer,  
Periyakulam,  
Theni District.

3.The Tahsildar,  
Andipatti Taluk,  
Andipatti,  
Theni District.

4.The Regional Deputy Tahsildar,  
Andipatty,  
Theni District.



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5.A.Sadeesh Kumar

6.Shanmugavelu

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of fourth respondent in T.R.No.2018/0103/ 25/ 025945 dated 09.10.2018, quash the same and consequently restore the respondents 1 to 4 herein to restore ryotwari patta for Survey No. 528 in Andipatti Bit-I Village, Andipatty Taluk, Theni District as Maniyam land in the name of service holders granted by the Settlement Tahsildar No.II, Madurai - 2 dated 08.01.1969.

For Petitioners : Mr.K.Appadurai

For Respondents : Mr.C.Satheesh  
Government Advocate for R.1 to R.4

### **ORDER**

Heard both sides.

2.My attention is drawn to the order dated 08.01.1969 issued by the Settlement Tahsildar No.2, Madurai. Paragraph 4 of the said order reads as follows:

*“4. From the evidence on record, I am satisfied  
that this is an Iruvaram grant made for the support of*



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*the temple and the deity Sri Pitchampatti Kamba Perumal is entitled to patta under Section 8 (2) (ii) of the Act through the following Poosaris of the temple. Ryotwari patta will issue accordingly under Section 11(2) of the Act.”*

It is obvious that patta has to stand in the name of the temple represented by its incumbent poojaris. It is stated that the petitioners herein are the present poojaris / trustees of the temple.

3.The learned Government Advocate would point out that contrary to the settlement order passed by the Settlement Tahsildar, revenue record was mutated in the name of the individuals, namely, K.Bommi Naicker and Sella Muthu Naicker. That was clearly improper. That is why mutation was once again done and the name of the temple was restored. But then, the settlement of the Tahsildar reads that patta has to be issued in the name of the temple through its poojaris. Therefore, the names of the poojaris should also be reflected. Hence the third respondent is directed to issue a fresh patta in the name of the temple represented by S.Erramma Naicker and Chellapandi @ A.Erramma Naicker (petitioners herein). This shall be done immediately and without any delay.



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4.This writ petition is allowed on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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

To

1.The Tahsildar,  
Karaikudi Taluk,  
Karaikudi,  
Sivagangai District.

2.The Village Administrative Officer,  
Palaiyur Group,  
Palaiyur,  
Karaikudi Taluk,  
Sivagangai District.



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**G.R.SWAMINATHAN, J.**

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