



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :26.10.2015

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THE HONOURABLE MR. JUSTICE R. SUBBIAH

W.P(MD) .No.19142 of 2015

M.Kesavapandiammal

... Petitioner

Vs.

1.The Special Commissioner and
Commissioner of Land Administration,
Chennai-5.

2.The District Collector,
Madurai,
Madurai District.

3.The District Revenue Officer,
Madurai District,
Madurai.

4.The Tahsildar,
Madurai North Taluk,
Madurai District.

... Respondents

This Writ Petition has been filed under Article 226 of Constitution of India praying for a Writ of Mandamus, directing the Respondents to issue a Patta in favour of the Temple called Arulmigu Sri Maranadu Karuppasamy Kovil in Survey Nos.101/1 and 102/1 to the extent of 5.29 Acres and 1.48 Acres situated at Thennur Village, Madurai North Taluk, Madurai District on the basis of the Representation, dated 24.08.2015 by the petitioner.

For petitioner : Mrs.A.Banumathy

For Respondents : Mr.M.Murugan

Government Advocate

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus, directing the Respondents to issue a Patta in favour of the Temple called Arulmigu Sri Maranadu Karuppasamy Kovil in Survey Nos.101/1 and 102/1 to the extent of 5.29 Acres and 1.48 Acres situated at Thennur Village, Madurai North Taluk, Madurai District on the basis of the Representation, dated 24.08.2015 given by the petitioner.

2. Mr.M.Murugan, learned Government Advocate takes notice for the respondents.

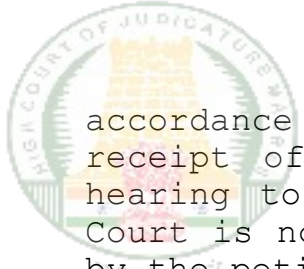
<https://hcservices.ecourts.gov.in/hcservices/>

3. By consent, this Writ Petition itself is taken up for final disposal.



4. In the affidavit filed in support of the Writ Petition, it has been averred that the Temple called Arulmigu Maranadu Karuppasamy Temple is situated at Thennur Village. It was in existence of more than 300 years. It was worshipped by the village people and also the Members of Servaikara Community. The members of the Servaikara Community used to Assemble in the Tamil month of Chithirai every year and offer their 'Mudikanikkai' and also ten families of Servaikaras worship Sri Karuppasamy as their family deity. The kist for the land was paid upto the year of 1978 and thereafter, the Revenue Authorities refused to accept the kist. Then the members of the temple filed an extract from an "Olai Chuvadi" indicating that the lands had been given as gift to the temple long back by one Lingappa Naicker. The land is in Survey Nos.101/1 and 102/1 has been classified as assessed waste dry and there exists a temple in Survey Nos.101/1 and 102/1. The learned District Judge, Madurai has passed the Judgment in O.S.No.540 of 1982 and 378 of 1983 wherein the Court has held that the land belongs to the temple one Muthusamy, who is the trustee of the above said temple, made a Representation to grant the patta in favour of the temple. Considering the representation, Land Revenue Officials inspected the said property and strongly recommended to grant patta. But the third respondent rejected his request for grant of patta. Thereafter, said Muthusamy preferred an appeal petition dated 12.09.1984 before the first respondent as against the rejection order passed by the third respondent. The first respondent by perusing the records passed an order on 10.10.1985 stating that the lands in Survey Nos.101/1 and 102/1 Thennur Village can be assigned to the temple in accordance with the Rules. Again on 29.09.2000, the members have formed a Trust called Arulmigu Sri Maranadu Karuppasamy Kovil Trust and the same was registered under the Act. One Manickam and Karuppan were elected as a President and Secretary of the Trust. All the members of petitioner's Trust have nominated the petitioner as a President of the same trust through a General Power Deed dated 29.09.2000. While so, one Manickam @ Manickkasamy, who is represented as a Private Trustee on behalf of the Arulmighu Maranadu Karuppasamy Temple filed a Civil Suit in O.S.No.119 of 2007 on the file of the Learned District Munsif Court, Madurai Taluk for seeking a suit for declaration, permanent injunction and mandatory injunction in respect of the land comprised in Survey Nos.101/1 and 102/1 to an extent of 5.29 Acres and 1.48 Acres. The same was decreed in favour of the temple on 21.04.2008 as exparte. Till date, nobody has filed a petition to set aside the exparte order. The first respondent has clearly stated that the lands comprised in Survey Nos.101/1 and 102/1 belongs to the temple. Hence, the petitioner has given a representation dated 24.08.2015 to the second respondent with a request to issue patta in favour of the temple. Since the same was not considered till date, the petitioner has come forward with this Writ petition for the above stated relief.

5. Considering the facts and circumstances of the case, without going into the merits of the case, this Court directs the respondents to consider the petitioner's representation dated 24.08.2015 and pass appropriate orders on the same on merits and in



accordance with law, within a period of eight weeks from the date of receipt of a copy of this order by affording an opportunity of hearing to all the necessary parties. It is made clear that this Court is not expressing any opinion on the merits of the claim made by the petitioner.

6. With the above direction, the Writ Petition is disposed of.
No Costs.

Sd/-
Assistant Registrar(CS I)

/True Copy/

Sub Assistant Registrar.

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To

- 1.The Special Commissioner and
Commissioner of Land Administration,
Chennai-5.
- 2.The District Collector,
Madurai, Madurai District.
- 3.The District Revenue Officer,
Madurai District, Madurai.
- 4.The Tahsildar,
Madurai North Taluk,
Madurai District.

+One cc to M/s.A.Banumathy, Advocate, SR.No.62394
+One cc to The Special Government Pleader, SR.No.62333

am
RL/7c/AMF/16/11/2015

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