



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.07.2017
CORAM

WEB COPY

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.A. (MD) No.739 of 2017
in
W.P. (MD) No.1315 of 2015
and
C.M.P. (MD) No.5518 of 2017

1.Chinnasamy
2.Dhanushkodi
3.Arumugam
4.Parvathy
5.Murugesan
6.Alagappan
7.Muthuvel
8.Kannan
9.Nesavalli
10.Vellaisamy
11.Veeramani
12.Pitchumani Asari

...Appellants/Respondents 8,9,11 to 13,
15 to 18, 21 to 23

Vs.

1.AL.Manikandan,
Trustee, Sri Kailasa Vinayagar Koil,
Rep. by his Power of Attorney,
AL.Visalakshi. ..Respondent/Petitioner

2.The District Collector,
Sivagangai.

3.The Revenue Divisional Officer,
Sivagangai District.

4.The Tahsildar,
Karaikudi.

5.The President,
Vengavayal Village,
Karaikudi Taluk,
Sivagangai District.



6.The Village Administrative Officer,
Vengavayal Panchayat,
Karaikudi Taluk,
Sivagangai District.

7.The Superintendent of Police,
Sakkottai Police Station,
Vengavayal,
Karaikudi Taluk,
Sivagangai District.

... Respondents 2 to 7/
Respondents 1 to 6

8.Kuppusamy
9.Vasanth
10.Silambayee
11.Vairavan
12.Meena
13.Ganesan
14.Chelliah
15.Kamaraj
16.Chellayee

... Respondents /
Respondents 7,10,14,19,20,24 to 27

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order of this Court, dated 02.12.2016 in W.P.(MD) No.1315 of 2015.

Prayer in WP(MD)No.1315/2015:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents 1 to 6 herein to forthwith cancel the patta granted in favour of the Respondents 7 to 27 herein and restore the patta in the name of the petitioner temple Sri Kailasa Vinayagar Koil, Pillaiyarendhal, Chinnavengavayal Village, Karaikudi Taluk, Sivagangai District, rep. by its Trustee in respect of the lands of an extent of 14.93 acres in Survey No. 236/1, subsequently sub divided as Surevey Nos. 236/37, 60, 38-A, 38-NB, 39, 55, 41-A, 41-B, 5, 8, 9, 10, 3, 42 43, 45,44, 47, 50, 51, 52, 53, 56, 57, 7, 8, 58, 31, 32, 33, 35, 36, 1, 15, 19, 23, 3, 6, 10, 30, 18, 2, 8, 9, 3, 11, 14, 22, 5, 17, 23, 25, 7, 12, 16, 24, 26, 29, 34, 30 of Pillayarendhal Village, Karaikudi Taluk, Sivagangai District.

For Appellants : Mr.V.K.Vijaya Ragavan

For R1 : Mr.ARL.Sundaresan
Senior Counsel for Mr.J.Anandkumar

For R2 to R7 : Mr.V.R.Shanmuganathan
Special Government Pleader

JUDGMENT

[Judgment of the Court was delivered by M.M.SUNDRESH, J.]

WEB COPY
This Writ Appeal has been filed against the order of the learned Single Judge by which the representation made by the first respondent was directed to be disposed of by the respondents 2 to 7 for transfer of patta, in pursuant to the order passed by the Inam Abolition Tribunal in RA.No.6 of 1999 and subject to the final outcome of STA No.1 of 2013.

2. Heard Mr.V.K.Vijaya Ragavan, learned counsel appearing for the appellants, Mr.ARL.Sundaresan, learned Senior counsel appearing for the first respondent and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 2 to 7.

3. The learned counsel appearing for the appellants would submit that as the statutory appeal is pending, the order passed by the learned Single Judge cannot be sustained.

4. We are afraid that the said contention cannot be countenanced. Admittedly, as on today, the order passed by the Inam Abolition Tribunal stands. The appellants have not obtained any Interlocutory order keeping in abeyance of the order passed in RA.No.6 of 1999. The learned Single Judge has also protected the interest of the appellants by stating that the said transfer would be subject to the final order to be passed in S.T.A.No.1 of 2013.

5. In such view of the matter, we do not find any merit warranting interference. The learned counsel appearing for the appellants expressed an apprehension that taking advantage of the order passed by the learned Single Judge there is likelihood of disturbance to the possession of the appellants. The learned Senior counsel appearing for the first respondent would submit that the writ petition is only with respect to transfer of patta and the issue pertaining to the possession would be dealt with by approaching the jurisdictional Civil Court at the appropriate time insofar as the extent of the land, which is said to be in possession of the appellants. Accordingly, this Writ Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/



To
WEB COPY

- 1.The District Collector,
Sivagangai.
- 2.The Revenue Divisional Officer,
Sivagangai District.
- 3.The Tahsildar,
Karaikudi.
- 4.The President,
Vengavayal Village,
Karaikudi Taluk,
Sivagangai District.
- 5.The Village Administrative Officer,
Vengavayal Panchayat,
Karaikudi Taluk,
Sivagangai District.
- 6.The Superintendent of Police,
Sakkottai Police Station,
Vengavayal,
Karaikudi Taluk,
Sivagangai District.

+One cc to Mr.J.Anandkumar, Advocate, SR.No.63278

+One cc to The Special Government Pleader, SR.No.63500

+One cc to mr.V.K.Vijayaragavan, Advocate, SR.No.63368

sm/akv

RL/10c/4p/KP/SAR1/17/7/2017

W.A. (MD) No.739 of 2017