

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.11.2018

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.28938 of 2018

M.Sumathy

.. Petitioner

Vs.

1. The Commissioner,
Hindu Religious Endowment Board,
Nungambakkam High Road,
Chennai 600 034.
2. The Joint Commissioner,
Hindu Religious Endowment Board,
Coimbatore,
Coimbatore 641 018.
3. The Tahsildar,
Coimbatore South,
Coimbatore.
4. The Tahsildar,
Madukarai,
Coimbatore.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 4th respondent to include petitioner name and to transfer the patta from the name of Veereswaraswamy koil represented by Samy Ayer to the petitioner name representing Veereswarasamy Koil in Patta No.515, Dry lands in S.No.313, 314, 315, 316, 317, 318 and 319 to an extent of 24 Acres in alternative 9.48.5 Hec of Land situated at Madukkarai Taluk, Othakkal Mandapam Village, Coimbatore Registration District on the basis of the petitioner's application dated 14.07.2011 and 05.07.2018.

For Petitioner : Mr.S. Venkatesh

For Respondents : Mr.M.Maharaja, for R1 & R2
Special Govt. Pleader (HR & CE)

Mr. V.Shanmugasundar,
Special Govt. Pleader for R3 & R4

O R D E R

The prayer in the Writ Petition is that in respect of the dry Land situated at Madukkarai Taluk, Othakkal Mandapam Village, Coimbatore Registration District, the patta has to be changed in the name of the petitioner representing the Temple instead of Veereswaraswamy koil represented by Samy Ayyer.

2. Heard Mr.S.Venkatesh, learned counsel appearing for the petitioner, Mr.M.Maharaja, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.V.Shanmugasundar, learned Special Government Pleader appearing for the respondents 3 and 4.

3. It is seen from the records that originally the properties allotted to the Vigneswarasamy Temple located at Othakkalmandabam, by virtue of the proceedings dated 02.05.1967 in S.R.No.50/MY Act/Coimbatore Taluk/67 issued by the Tahsildar-II, Gobichettipalayam. It is now stated that Samy Ayyer, who was the Poojari of the said temple, is no more and the petitioner is the daughter of the said Samy Ayyer and thus, she is the sole surviving hereditary trustee of the temple. The petitioner has submitted a representation dated 05.09.2018, which yielded no response, and hence, she has come to this Court seeking the above relief.

4. The learned counsel appearing for the respondents would submit that though there is a total extent of approximately 24 acres of land standing in the name of the Temple, at the same time, it cannot be transferred in the name of an individual.

5. Even according to the petitioner, she is the only sole surviving hereditary trustee of the Vigneswarasamy Temple and she wants her name to be included as a person representing the temple.

6. In the affidavit, it is stated that there is a need for transferring the name of the hereditary trustee of the temple representing the temple in the patta, the 4th respondent is not taking any steps to change the name in her favour, hence a representation was given to the 4th respondent.

7. The petitioner cannot claim exclusive patta in her name. She can only ask for patta in the name of the temple as it is standing now and she can only be the representative of the temple as the sole surviving hereditary trustee.

8. In the light of the above facts, the 4th respondent is directed to consider the petitioner's representation and pass appropriate orders, on merits and in accordance with law, after

issuing notice to the petitioner and respondents 1 and 2 herein and also affording due opportunity of hearing to the petitioner, respondents 1 and 2 herein as well as any of the interested parties, within a period of six weeks from the date of receipt of a copy of this order.

9. With the above directions, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

jv

To

1. The Commissioner,
Hindu Religious Endowment Board,
Nungambakkam High Road,
Chennai 600 034.
2. The Joint Commissioner,
Hindu Religious Endowment Board,
Coimbatore,
Coimbatore 641 018.
3. The Tahsildar,
Coimbatore South,
Coimbatore.
4. The Tahsildar,
Madukarai, Coimbatore.

+1cc to M/s.S.Venkatesh, Advocate SR.No.79859

+1cc to Government Pleader SR.No.80424

+1cc to Special Government Pleader(HR & CE) SR.No.80112

W.P.No.28938 of 2018

NRI (CO)
GMY(11/12/2018)