

**HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN**

WRIT APPEAL No.1189 of 2016

Judgment: *(per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

We have heard the learned counsel for the appellant and Smt. K. Lalitha, learned Standing Counsel for respondent No.2.

2. The appellant-writ petitioner claimed that he is entitled to regularization of his possession over the lands belonging to Sri Varaha Lakshmi Narasimha Devasthanam. That was found against by the learned Single Judge. Hence, this appeal.

3. The learned counsel for the appellant, argued that in terms of G.O. Ms. No. 578 dated 19.8.2000, guidelines have been prescribed and the appellant-writ petitioner is entitled to relief as sought for.

4. The learned Standing Counsel for the 2nd respondent, points out that the said Government Order does not continue to hold field as of now, and fundamentally, the fact of the matter remains that the property in issue vests with the deity of Sri Varaha Lakshmi Narasimha Devasthanam. It is essentially the property which stands dedicated. There is no question of assignment or declaration of possessory rights over such property which could crystallize into confirmation in the form of any title to property. This position notwithstanding, we also see that the learned Single Judge has referred to the judgment of the Division Bench rendered on 7.9.2010 in Writ Appeal No. 536 of 2010, wherein it has been held that such lands do not belong to the State or to any instrumentality of the State and therefore, there is no question of any such lands, being covered by the Government decisions which could eclipse the title of the

deity to the property. Among others, this is the substance of Writ Appeal No. 536 of 2010, which we respectfully agree and follow.

5. For the aforesaid reasons, we do not find any legal infirmity or jurisdictional error in the exercise of jurisdiction by the learned Single Judge. The Writ Appeal fails.

6. In the result, this appeal is dismissed.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

V. RAMASUBRAMANIAN, J

Date: 2nd August, 2018

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