



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

**DATED: 31.10.2019**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.GOVINDARAJ**

**W.P. (MD) No.23000 of 2019**

**and**

**W.M.P. (MD) .No.19737 of 2019**

WEB COPY

- 1.Suresh Kumar
- 2.K.Subramani
- 3.K.Thangavel
- 4.A.Perumal
- 5.S.Ramasamy
- 6.Ponnusamy
- 7.S.Krishnan
- 8.C.Sekar
- 9.G.Vijay Kumar
- 10.C.Parthiban
- 11.P.Chidambaram
- 12.Gunasekaran

... Petitioners

vs.

- 1.The District Collector,  
Karur District, Karur.
- 2.The Revenue Divisional Officer,  
Karur, Karur District.
- 3.The Revenue Tahsildar  
Manmangalam,  
Karur District.
- 4.The Tahsildar,  
Manmangalam,  
Karur District.
- 5.The Inspector,  
Hindu Religious and Charitable  
Endowment Department  
Minnampalli Village,  
Karur District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 3rd respondent in Na.Aa.A2/0520/2019 dated 09.8.2019 quash the same and consequently direct the 3rd respondent to restore the patta in respect of Survey no.187 Minnampalli Village, Karur District in the name of the petitioners within a time fixed by this Court.



For Petitioner : Ms.J.Anandhavalli  
For Respondents : Mr.J.Gunaseelan Muthaiah  
Additional Government Pleader  
for RR-1 to 4  
Mr.P.Athimoola Pandian  
Standing Counsel for R-5

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**O R D E R**

This writ petition has been filed, challenging the impugned order passed by the 3rd respondent, dated 09.8.2019 and consequently to direct the 3rd respondent to restore the patta in respect of Survey no.187 Minnampalli Village, Karur District in the name of the petitioners within a time fixed by this Court.

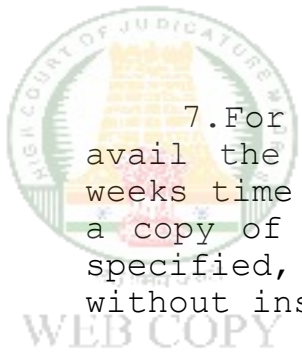
2.MrJ.Gunaseelan Muthaiah, learned Additional Government Pleader takes notice on behalf of the respondents 1 to 4 and Mr.P.Athimoola Pandian, learned Standing Counsel takes notice on behalf of the respondent No.5.

3.By consent of both sides, the writ petition is taken up for final disposal.

4.The petitioners claim themselves as hereditary poojaris of Arulmighu Vanniyamman Temple, which is under the control of the Fit Person. The appointment of Fit Person is challenged in a writ petition filed by the petitioners. During the pendency of the writ petition, a petition was filed for transfer of patta in favour of the temple and it was opposed by the petitioners. But the Tahsildar has confirmed the transfer of patta in favour of the temple and rejected the contention of the petitioners herein. Aggrieved over the same, the petitioners are before this Court.

5.The learned counsel appearing for the petitioners would contend that the respondents in the previous writ petition are constructing a temple for the very same deity namely Vanniyamman. It is the further apprehension of the petitioners that in future, they may attempt to acquire the land in the name of deity for the new temple.

6.As of today, the temple has not come into existence and it is in the construction stage and in future, it may be given a different name also. Therefore, on the basis of apprehension, the writ petition cannot be maintainable. Furthermore, an appeal remedy is available to the petitioner before the Revenue Divisional Officer. Without exhausting the appeal remedy, the writ petition is not maintainable.



7.For all these reasons, this Court permits the petitioner to avail the appellate remedy. At request of the petitioner, three weeks time is granted for filing appeal, from the date of receipt of a copy of this order. On such appeal being filed within the time specified, the appellate authority is directed to entertain the same without insisting on limitation period.

8.Accordingly, this writ petition is disposed of with above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS )

vs

To

1.The District Collector,  
Karur District, Karur.

2.The Revenue Divisional Officer,  
Karur District, Karur.

3.The Revenue Tahsildar  
Manmangalam,  
Karur District.

4.The Tahsildar,  
Manmangalam,  
Karur District.

5.The Inspector,  
Hindu Religious and Charitable  
Endowment Department  
Minnampalli Village,  
Karur District.

+1 CC to M/s.J.ANANDHAVALLI, Advocate (SR-95517[F] dated 01/11/2019 )

+1 CC to SPL GP ( SR-95495[F] dated 01/11/2019 )

**W.P. (MD) No.23000 of 2019**

**31.10.2019**

   MK (18.11.2019) 3P 8C