



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.11.2019**

CORAM:

THE HONOURABLE **MR.JUSTICE M.SUNDAR**

W.P(MD)No.23083 of 2019

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G.Selvam

... Petitioner

/vs./

1.The Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.

2.The Executive Officer,
Arulmigu Meenakshi Sundhareshwar Temple,
Vilathikulam Town and Taluk,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition - filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to consider petitioner representation dated 05.10.2019 based on Civil Court decree and Judgment in O.S.No.63 of 2014 on the file of the Learned Principal District Munsif, Vilathikulam dated 14.03.2019.

For Petitioner: Mr.KR.Singaravadivel

For R-1 : Mr.B.Bhagawathi
Government Advocate

For R-2 : Mr.D.Srinivasa Raghavan
for Mr.M.Muthugeethaiyan

ORDER

Mr.KR.Singaravadivel, learned counsel on record for writ petitioner and Mr.B.Bhagawathi, learned Government Advocate who accepts notice on behalf of first respondent and Mr.D.Srinivasa Raghavan, learned counsel on behalf of second respondent are before this Court.

2. With consent of all the aforesaid three learned counsel, main writ petition is taken up, heard out and is being disposed of.

3. Subject matter of instant writ petition is 'land comprised in Old S.No.42/A1 (New S.No.585) in Vilathikulam Town Panchayat, Vilathikulam Town within the jurisdiction of Vilathikulam Sub-Registrar and Tuticorin Registration District' (hereinafter referred to as 'said land' for the sake of brevity, clarity and convenience).



4. Way back in 2015, to be precise on 14.01.2015, second respondent has sent a representation to the first respondent regarding said land seeking patta with regard to an extent of about 0.023.2 hectares. That representation could not be decided one way or the other, owing to 'a suit being O.S.No.63 of 2014 on the file of the District Munsif Court, Vilathikulam' (hereinafter referred to as 'said suit' for the sake of brevity) filed by one Subramanian and four others as plaintiffs against one Vuomaithurai and the second respondent arraying them as defendants 1 and 2 respectively qua said land. Therefore, 'jurisdictional Revenue Divisional Officer' (hereinafter referred to as 'jurisdictional RDO' for brevity) passed an order dated 17.08.2017 bearing reference Na.Ka.Aa2/6241/2017 holding that the representation of the second respondent Temple can be considered and carried forward further only after final decision in the said suit.

5. Considering the narrow compass on which instant writ petition now turns, suffice to say that said suit after full contest was dismissed by a civil Court in and by judgment decree dated 14.03.2019. In other words, said suit has ended in favour of the second respondent Temple. It is not clear as to whether there is any regular first appeal under Section 96 of 'The Code of Civil Procedure, 1908' ('CPC' for brevity).

6. Be that as it may, while things stood as above, writ petitioner before this Court who is a tenant / lessee in respect of an extent of a land qua said land petitioned the jurisdictional RDO again vide representation dated 05.10.2019 with a prayer that said land belongs to second respondent Temple and that patta has to be issued in the name of the said Temple.

7. Learned State counsel, on instructions, submits that said land has been classified as 'Grama Natham'.

8. In the aforesaid backdrop, writ petitioner is being treated as an informant. There is no dispute that the second respondent Temple is the under Control, Management and Administration of 'Tamil Nadu Hindu Religious and Charitable Endowments Department' ('TNHR&CE Dept.' for brevity) and that an Executive Officer has been appointed *inter alia* under Section 45 of the 'Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Act 22 of 1959)' (hereinafter referred to as 'TNHR&CE Act' for the sake of brevity). In this backdrop, writ petitioner can only be treated as an informant.

9. In the light of the narrative thus far, as idol / presiding deity of second respondent Temple is in the status of a minor and as Courts are parentis locus qua idol and custodia legis qua temple properties, this Court deems it appropriate to direct the first respondent ie., jurisdictional RDO to take up 05.10.2019 representation given by the writ petitioner, give notice to the



second respondent / other rival claimants if any, give reasonable opportunity and thereafter, decide the 05.10.2019 representation on its own merits and in accordance with law, more particularly, in tune with the civil Court decree dated 14.03.2019 in O.S.No.63 of 2014.

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10. The aforesaid exercise shall be completed by the first respondent as expeditiously as possible and in any event within twelve (12) weeks from the date of receipt of a copy of this order.

11. To be noted, respondent shall not embark upon any exercise which is within the domain of jurisdictional civil Court.

12. Outcome of this exercise shall be communicated to the writ petitioner, second respondent and all others concerned under due acknowledgement within seven (7) working days from the date of the order.

13. Instant Writ Petition is disposed of with directions as above. No costs.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS-)

To

1.The Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.

2.The Executive Officer,
Arulmigu Meenakshi Sundhareshwar Temple,
Vilathikulam Town and Taluk,
Thoothukudi District.

+1 CC to M/s.M.MUTHUGEETHAYAN,Advocate(SR-95826[F] dated 04/11/2019)
+1 CC to M/s.SPL GP (SR-96097[F] dated 05/11/2019)

Order made in
W.P(MD)No.23083 of 2019
Dated: 04.11.2019

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ES/15.11.2019/3P/5C