



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.12.2019**

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) NO.20661 of 2019

S.M.Marimuthu,
Hereditary Managing Trustee,
Arulmighu Muthalamman Temple,
Agaram, Thadikombu,
Dindigul District.

:Petitioner

.vs.

1.The District Revenue Officer,
District Revenue Office,
Dindigul District.

2.The Executive Officer,
Agaram Town Panchayat,
Agaram Village, Thadikombu,
Dindigul District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to handover the possession of the Mandapam constructed by the second respondent approximately at an extent of 2100 sq.ft in the land reserved for temple purpose in S.No.1249/3 by the first respondent by considering the representation of the Petitioner, dated 26.7.2019 and pass appropriate orders within the time limit stipulated by this Court.

For Petitioner

:Mr.C.Guhaseelarupan

For Respondent-1

:Mrs.J.Padmavathi Devi
Special Govt.Pleader

For Respondent-2

:Mr.B.Bhagavathi
Govt.Advocate

O R D E R

The Petitioner, who is the hereditary Managing Trustee of the
<https://hereditarymanagingtrustee.org.in/> Temple, is seeking a mandamus directing the second

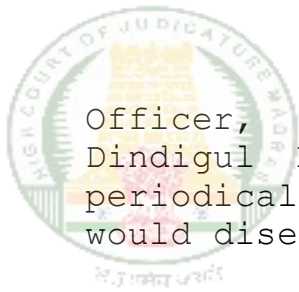


respondent to hand-over the possession of the Mandapam constructed for the purpose of devotees of the temple.

2.The Petitioner, temple is under the control of Tamil Nadu Hindu Religious and Charitable Endowments Department. The land adjacent to the temple is classified as 'Natham Poramboke' and the same is in the possession of the temple for the usage and welfare of the public/devotees, as stated in the Writ Petition. The first respondent has declared the above said temple land as 'Special Natham Poramboke', vide his proceedings in R.O.C.No.443/88-D3, dated 7.8.89. While so, as per G.O.Ms.No.94, Municipal Administration and Water Supply Department, dated 6.7.2007 had introduced a Scheme called 'Anna Marumalarchi Thittam', as per which, a Mandapam was constructed to an extent of 2100 sq.ft by the funds given by the Government. Though it is stated by the learned counsel for the Petitioner that after completion of the construction work of Mandapam, it will be handed over to the temple, but there is no record to prove the same. It is now stated that the construction has been completed and it has been under the control of the second respondent. In the meanwhile, the Petitioner also seems to have filed O.S.No.727 of 1998, on the file of the Principal District Munsif Court, Dindigul through the hereditary Trustee, for permanent injunction that the second respondent should not interfere with the peaceful possession of the said property. The said suit was decreed declaring that the said property is a Natham Poramboke of the temple and the temple does not have any independent right over the same. Being Natham land, it does not also vest with the Government.

3.Be that as it may, the second respondent has filed a counter affidavit denying all the averments in the affidavit filed in support of the Writ Petition. It is further stated by the learned counsel for the second respondent that the said land on which the Mandapam has been constructed is already classified as 'Temple Poramboke' and construction has been made by the Municipal Administration and Water Supply Department. The second respondent is in possession of the said Community Hall and has been administering the same for the benefit of the villagers and also for the devotees of the temple. In the absence of any document to show that after construction of the Community Hall is completed, the same has to be handed over to the petitioner/Temple, the Petitioner cannot maintain a Writ Petition seeking the relief as stated supra. Thus, it is evident that the second respondent also does not have the ownership over the Community Hall, excepting to administer the same for the benefit of the villagers and devotees/visitors of the petitioner/Temple.

4. In view of the above, the second respondent/ the Executive



Officer, Agaram Town Panchayat, Agaram Village, Thadikombu, Dindigul District is also directed to file the Audit Report periodically to the first respondent herein, failure of which, would disentitle him to manage the said Community Hall.

5. With the above observations, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

vsn

To

1. The District Revenue Officer,
District Revenue Office,
Dindigul District.

2. The Executive Officer,
Agaram Town Panchayat,
Agaram Village, Thadikombu,
Dindigul District.

+1 CC to MR.C.GUHASEELARUPAN, Advocate (SR-104445[F] dated 11/12/2019)

+1 CC to SPL.GP (SR-104647[F] dated 12/12/2019)

ORDER MADE IN
W. P (MD) NO. 20661 of 2019
11.12.2019

KM/ (30.12.2019) 3P 5C