



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8228 of 2020
and
W.M.P.(MD)No.7637 of 2020

P.Muthappa

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Thashilar,
Tirunelveli Taluk,
Tirunelveli.
3. The Revenue Inspector,
Sindupoondurai Village,
Tirunelveli Taluk,
Tirunelveli.
4. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Tirunelveli.
5. The Tharumapuram Atheenam Mutt,
Represented by its Atheenakartha,
Mayiladuthurai,
Nagapattinam District.
6. A.Murugan

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing respondents 2 and 3 from interfering with the peaceful possession of the petitioner and maintenance of the Nandavanam land belonging to the 5th respondent Mutt situated in T.S.No.1096/7 Sindhupoondurai Village, Tirunelveli Junction.



For Petitioner : Mr.H.Arumugam
For Respondents : Mr.S.Angappan,
Government Advocate for R1 to R3
Mrs.J.Lakshmi Prasanna,
Government Advocate for R4
Mr.V.S.Kishok Kumar for R5
Mr.S.P.Maharajan for R6

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O R D E R

The petitioner alleges that the petition mentioned property belongs to Dharmapuram Atheenam Mutt. According to him, since the property is located in a prime location in Tirunelveli, it is catching the attention of certain unwanted elements. He would further state that at their instance, the Revenue Authorities are attempting to interfere with the petitioner's possession and enjoyment. The petitioner would further claim that he had been mandated by the mutt to take care of the property in question. In this writ petition there is one another private respondent namely., sixth respondent. It appears that the sixth respondent had also applied to the mutt seeking lease.

2.I make it clear that I do not propose to give any finding on the inter-se claims between the petitioner and the sixth respondent.

3.The learned Government Advocate appearing for the respondents 1 to 3 would submit that the property in question belongs to the Government and not to the mutt as claimed by the petitioner herein. But then, Government Advocate appearing for the fourth respondent submitted that the property in question as per their records is very much a mutt property. The submission made by the learned counsel for the Joint Commissioner, Hindu Religions and Charitable Endowment Department, Tirunelveli, ought to be given weight. The petitioner's counsel also drew my attention to the extract in the town survey register in which the property has been described as Nandavanam. He also enclosed photocopies in the typed set of papers. It is seen therefrom that a samathi has also been built in the property in question. These materials *prima facie* indicate that the property in question is a mutt property.

4.I therefore restrain the respondents 1 to 3 herein from interfering with the possession in respect of the said property by the Mutt and those claiming through Mutt. I am not giving a finding as to who is in possession as of now. All that I am clarifying is that the respondents 1 to 3 will not interfere in respect of the petition mentioned property. I am conscious that in Writ Court findings regarding title cannot be rendered. Therefore, respondents 1 to 3 are at liberty to initiate civil proceedings against the fifth respondent/mutt, if according to the respondents 1 to 3, it is the property of the Government and not the property of the mutt.



5. With this liberty to the respondents 1 to 3, the writ petition is allowed in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Thashilar,
Tirunelveli Taluk,
Tirunelveli.
3. The Revenue Inspector,
Sindupoondurai Village,
Tirunelveli Taluk,
Tirunelveli.

- +1 CC to the SPL GP SR-15692, 15809.
- +1 CC to Mr.S.P.MAHARAJAN, Advocate SR-15652.
- +1 CC to Mr.H.ARUMUGAM, Advocate SR-15720.

W.P. (MD)No.8228 of 2020
01.09.2020

CS(10.09.2020) 3P 7C