



W.P. No. 31799 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 31799 of 2022

and

W.M.P. No. 31254 of 2022

1. K.Manohar

2. T.Soundarapandian

3. A.Sasikumar

... Petitioners

-VS-

1. The District Revenue Officer,
Tiruppur District,
Tiruppur.

2. The Tahsildar,
Udumalaipettai Taluk,
Tiruppur District.

3. The Joint Director,
Hindu Religious & Charitable Endowments,
Tiruppur,
Tiruppur District.

4. The Assistant Director,
Hindu Religious & Charitable Endowments,
Tiruppur,
Tiruppur District.

5. The Executive Officer,
Arulmighu Chellandi Amman Thirukovil,
Vadapoothinatham,
Udumalaipettai Taluk,
Tiruppur District.

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Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, forbearing the Third to Fifth Respondents from evicting the Petitioners from the land in S. No. 203 admeasuring about 5 acres 28 cents situated at Vadapoothinathan Village, Udumalaipettai Taluk, Tiruppur District and direct the First Respondent to revert the patta for the said land back to its original names prior to the year 2014 and make suitable changes to all revenue records.

For Petitioners : Mr. M.Dinesh

For Respondents : Mr. T.K.Saravanan,
Government Advocate (for R1 & R2)

Mr. N.R.R.Arun Natarajan,
Special Government Pleader
(for R3 to R5)

ORDER

Heard Mr. M.Dinesh, Learned Counsel for the Petitioners, Mr. T.K. Saravanan, Learned Government Advocate appearing for the First and Second Respondents and Mr. N.R.R.Arun Natarajan, Learned Special Government Pleader appearing for the Third to Fifth Respondents and perused the materials placed on record, apart from the pleadings of the parties.



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2. The Petitioners have filed this Writ Petition to prevent the Third to Fifth Respondents from evicting them from the land in S. No. 203 admeasuring about 5 acres 28 cents situated at Vadapoothinathan Village, Udumalaipettai Taluk, Tiruppur District and to consequently direct the First Respondent to revert the patta to the original names prior to the year 2014 and make suitable changes in all revenue records.

3. In response to the aforesaid claim made by the Petitioners, Learned Special Government Pleader appearing for the Third to Fifth Respondents has filed memo dated 29.11.2022 stating as follows:-

“1. The Arulmigu Chellandiamman Temple situated at North Boodinatham Village, Udumalaipettai Taluk, Tiruppur District is a non-listed temple coming under the control of HR and CE Department. The Executive Officer of Arulmigu Mariamman Temple, Udumalai Nagar has been appointed as the fit person for the Arulmigu Chellandiamman Temple, North Boodinatham Village, Udumalaipettai Taluk, Tiruppur.



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2. *The Court of Settlement Tahsildar, Gopichettipalayam by order dated 30.04.1968 in S.R. No. 302 of 1968 has granted Ryotwari Patta in S.No. 203 measuring 6.28 acres of land situated at North Boodinatham Village (represented by its Hereditary Poosari's Karuppasamy, Chinnasami Pillai and Thirugnanam Pillai under Section 8(ii) of the Madras Minor Inam (Abolition and Conversion into Ryotwari, 1963). Subsequently, the land in Survey No. 203 measuring 6.28 acres of land is reflected in the Land Tax Plan Register maintained by the North Boondinatham Village, Udumalaipettai Taluk wherein the land is shown to be belonging to Chellandiamman Temple.*

3. *Further, the A-register details also shows the land in Survey No. 203 is registered in the name of Arulmigu Chellandiamman Temple, North Boodinatham Village. The Patta No. 459 in respect of Survey No. 203 stands in the name of Arulmigu Chellandiamman Temple.*

4. *The land in Survey No. 203 measuring 6.28 acres of land is a Devadayam Minor Inam land and it was granted as manibam in*



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T.D. No. 13 to Sellandiamman Temple and the said temple was represented by its Hereditary Poosari's Karuppasamy, Chinnasami Pillai and Thirugnanam Pillai. The Petitioner's are the legal heirs of the Karuppasamy, Chinnasami Pillai and Thirugnanam Pillai and had given an appeal dated 10.08.2021 before the District Revenue Officer, Tiruppur to remove the name of Arulmigu Chellandiamman Temple and issue patta in their individual names.

5. *Since, the Petitioners were trying to change the title in respect of the property, 78 proceedings has been initiated as against the Petitioners and the same is pending on the file of the Joint Commissioner Court, Tiruppur. The Petitioners have acted in breach of trust and against the interest of religious institutions. Hence the present Writ Petition is liable to be dismissed with costs."*

In that backdrop, Learned Counsel for the Petitioners seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioners to pursue their remedies to prove title to the said property and he has made an endorsement to that effect in the court record.

4. In view of the same, the Writ Petition is dismissed as withdrawn with the



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aforesaid clarifications. Consequently, the connected Miscellaneous Petition is

closed. No costs.

01.12.2022

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Index: Yes/No

Note: Issue order copy by 15.12.2022.

To

1. The District Revenue Officer,
Tiruppur District,
Tiruppur.
2. The Tahsildar,
Udumalaipettai Taluk,
Tiruppur District.
3. The Joint Director,
Hindu Religious & Charitable Endowments,
Tiruppur,
Tiruppur District.
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P.D. AUDIKESAVALU, J.

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