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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NOS.26803 OF 2018 AND 12695 OF 2020

AND

W.M.P.NO.15684 OF 2020

Kannan

... Petitioner in W.P.No.26803/2018

M.Ramanathan

...Petitioner in W.P.No.12695/2020

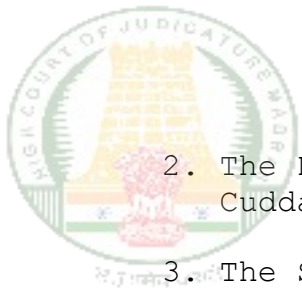
Vs.

1. The Collector,
Cuddalore district,
Cuddalore.
2. The Revenue Divisional Officer,
Cuddalore.
3. The Tahsildar,
Kurinjipadi,
Kurinjipadi Taluk,
Cuddalore District.
4. Mrs.T.Jayalakshmi
5. Mrs.Anjalai Ammal
6. R.Shanthi
7. Deivayanai

(R4 to R7 are impleaded as per order
dated 18.07.2019 in WMP.No.16211/2019)

...Respondents in W.P.No.26803/2018

1. The Collector,
Cuddalore district,
Cuddalore.



2. The District Revenue Officer,
Cuddalore 607001.

3. The Sub Collector/
Revenue Divisional Officer,
Cuddalore 607001.

4. The Tahsildar,
Kurinjipadi,
Kurinjipadi Taluk,
Cuddalore District.

5. Mrs.T.Jayalakshmi

6. Mrs.Anjalai Ammal

7. R.Shanthi

...Respondents in W.P.No.12695/2020

Prayer in W.P.No.26803/2018: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus Forbearing the respondents from in any manner interfering with the possession and enjoyment of Sri Muthumariamman Temple, Koranapattu, of Properties bearing S.No.101/1 Hec.0.47.5 and S.No.101/6, Hec.0.11.5, in Koranapattu Village, Kurinjipadi Taluk, Cuddalore District, except by following due process of law.

Prayer in W.P.No.12695/2020: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to Call for the records and quash the proceedings of the 3rd respondent in his Na.Ka.A7/5055/2018 dated 17.03.2020 and consequently direct respondents 3 and 4 to issue patta in respect of S.No.101/1 Hec.0.47.5 in Koranapattu Village, Kurinjipadi Taluk, Cuddalore District, in the name of Sri Muthu Mariamman Temple, Koranapattu, Kurinjipadi Taluk, Cuddalore District.

For Petitioner in both petitions : Mr.D.Baskar

For RR1 to RR3 in both petitions : Mr.M.Murali
Government Advocate

For private respondents
in both petitions : Mr.R.Ganesh Babu



Common Order

The petitioners are agriculturist and devotees of the presiding deity in the temple and in the interest of the said temple, they are filing these writ petitions stating that the temple known as Sri Muthumariamman Temple (also known as Kurumbur Muthumariamman Temple) in Koranapattu Village, Kurinjipadi Taluk, Cuddalore District, is situate in S.F.No.101/1, which measures Hec.0.47.5 or about Acre 1.18. The allegation against the official respondents is that they are attempting to lay a road right across the property of the temple, wherein S.F.No.101/6, measuring hec.0.11.5 or about 28 ½ cents also belongs to the Temple and there is already a thar road going across S.F.No.101 and leads to S.F.No.101/4, however a road across S.F.Nos.101/1 and 101/6 is sought to be laid from north to south to split up the properties of the temple and try to alienate the same. The revenue records ought to reflect the land belonging to the temple as a 'Temple Poromboke' but it seems that in the revenue records, S.F.NO.101 has been described as 'Poromboke' and the temple never handed over or surrendered the property to the government. It is alleged that the respondents 5 to 7, who own some properties in south of S.F.No.101, are cultivating the lands of third parties on lease and in order to reach their agricultural lands, they want to have a road laid across the temple lands. However, it is alleged by the petitioner that the respondents 5 to 7 cannot seek formation of road to serve their private purpose. While being so, in the interest of temple land, one Kannan had filed W.P.No.26803 of 2018 and on 12.08.2018, this Court granted an order of interim injunction and thereafter, the respondents 1, 3 and 4 filed writ miscellaneous petition to vacate the order of interim injunction and the same was allowed by observing that S.F.No101/1 is described as 'Poramboke' in the revenue records and hence, pathway for 20 feet width can be laid. Based on the said order, the 3rd respondent has passed an order dated 17.03.2020 in Na.Ka.A7/5055/2018, wherein direction was given to the 4th respondent to comply with the order of this Court, after hearing the necessary parties. Aggrieved by the same, the petitioners are before this Court.

2. The learned counsel appearing for the petitioners submitted that the impugned order itself says in the subject column that S.F.No.101/1 is Mariamman Temple Poromboke and it is admitted that the property belongs to the Temple. While so, the respondents 1 to 4 cannot lay a road in the property of temple without following the legal procedures. The properties of a public temple cannot be interfered with illegally and unreasonably and prays for allowing of this petition.



3. The learned Government Advocate appearing for the official respondents submitted that there is a 20 feet Vandipathai comprised in S.F.No.101/1, measuring a length of 150 feet leading to the said agricultural land and which is the ingress and egress to the agricultural land, through which the village people are entering and doing their agricultural activities and the said vandipathai is in continuous usage of the villages ever since the date of formation. Furthermore, in the revenue records, the entire land is classified as 'Poromboke' and therefore, there is no bar on the part of the officials to lay the said 20 feet road for the usage of public. The learned Government Advocate, however, fairly submitted that the respondents will utilise the land only to the extent of 20 feet for the purpose of laying the road and the balance extent of the land will not be disturbed and the interest of the temple over the said lands will be protected.

4. This Court has carefully considered the rival submissions and also perused the materials available on record.

5. It is the grievance of the petitioner that the road across the temple property in S.F.No.101/1 and 101/6 is sought to be laid from north to south by the official respondents. It is the claim of the petitioner that the said property is a 'temple poromboke' and there is no need to lay road nor could it be laid in the properties of the temple and without any acquisition under any law in force. However, this Court vide vacate stay petition in WP.NO.26803 of 2018, held that the land to an extent of 0.47.5 hec. in S.F.No.101/1, in which it was decided to lay road for usage of farmers of Koranapattu Village to reach their lands, belongs to the Government, which has been classified as Government Poromboke and that a 20 feet road is already existing in that land. Though such a claim is made by the petitioner, however, the records reveal otherwise, as the said lands are shown as 'Poramboke'.

6. Be that as it may. The claim of the petitioners is that the 20 feet road is to be laid on the lands belonging to the temple, while it is contended otherwise by the respondents. However, the respondents have fairly undertaken that except for the 20 feet road, which will be used for the utilisation of the villages, the rest of the lands will be maintained for the usage of the temple. In the above backdrop, when public purpose is pressed into service, more so when the lands are classified merely as poramboke, this Court cannot entertain the case of the petitioner for stopping the activity of laying the road. At the same time, when the respondents, on their own volition have come forward to protect the rest of the portion of the land for the purpose of the temple, this Court feels that in the interest of



the villagers as well as the temple, a direction be issued so that the lands are utilised only to the extent of 20 feet width for the purpose of laying the road and the rest of the lands be safely used for the purpose of the temple.

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7. Accordingly, while recording the undertaking given by the respondents, for the reasons aforesaid, the Writ Petition in W.P.No.12695/2020 is dismissed with the aforesaid observation and direction. Insofar as W.P.No.26803/2018 is concerned, the order passed by the 3rd respondent dated 17.03.2020, has been challenged in W.P. No.12695/20, which has since been dismissed and, therefore, nothing survives for further adjudication in W.P. No.26803/2018. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Collector,
Cuddalore district, Cuddalore.
2. The Revenue Divisional Officer,
Cuddalore.
3. The Tahsildar,
Kurinjipadi, Kurinjipadi Taluk,
Cuddalore District.
4. The District Revenue Officer,
Cuddalore 607001.
5. The Sub Collector/
Revenue Divisional Officer,
Cuddalore 607001.

+1cc to Mr.R.Ganesh Babu, Advocate, S.R.No.17238

+2ccs to Mr.D.Baskar, Advocate, S.R.No.17190

+1cc to the Government Pleader, S.R.No.17772

W.P.No.26803 of 2018 and 12695 of 2020

MT (CO)

RLP (08/04/2022)