



W.P(MD)No.13354 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13354 of 2022

and

W.M.P.(MD)No.9474 of 2022

Idol Arulmigu Vallaba Vinayaga Temple,
Represented by its President of the Committee,
Shanmugasigamani Nagar,
3rd Street, Kovilpatti,
Tuticorin District.

... Petitioner

Vs.

- 1.The Assistant Settlement Officer,
Madurai.
- 2.The Assistant Settlement Tahsildar,
Kovilpatti.
- 3.The District Revenue Officer Cum
Additional Executive Magistrate,
Tuticorin.
- 4.The Revenue Divisional Officer,
Kovilpatti,
Tuticorin District.
- 5.The Tahsildar,
Kovilpatti Taluk,
Tuticorin.

6.S.Balasubramanian

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 1st respondent in L.R.:2/Kovilpatti/94(Natham) dated 28.08.1995 and the impugned order of the 3rd respondent in Na.Ka.No.D6/6861/2020 dated 28.01.2022 confirming the impugned order of the 4th respondent in Moo.Mu.A2/4105/2019 dated 12.02.2020 and quash all the orders and consequently direct the 5th respondent to remove the name of the 6th respondent from the Natham Patta No.811 in respect of the S.No.598/4 and retain the name of petitioner Temple alone.

For Petitioner : Mr.H.Arumugam

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R5.
Mr.V.Meenakashisundaram,
For Mr.D.Nallathambi for R6.

ORDER

Heard the learned counsel on either side.

2.Plot No.78, Shanmugasigamani Nagar, Kovilpatti was purchased by Subramanina Pillai from one Shanmigaiah. On a portion of the said plot and that of the adjacent plot which belonged to one Shanmugavel, a temple dedicated to Lord Vinayaga was constructed. However, there was no formal dedication of the land in favour of the temple by Subramanina Pillai. Later Subramanina Pillai settled the entire plot No.78 in favour of his son namely.,



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S.Balasubramaian/sixth respondent herein. The issue that has arisen for consideration is whether the temple is entitled to patta in respect of the land on which it has been constructed.

3.The sixth respondent had succeeded before the authorities. Challenging their decision, this writ petition came to be filed. In order to put an end to the controversy, the sixth respondent has graciously come forward to concede the right of the temple to have patta in its own name in respect of the land on which it has come up. In other words, he has no objection for the revenue authorities to subdivide Plot No.78 and grant separate patta for the temple. He would further state that even though there has been no formal dedication of a portion of Plot No.78 in favour of the temple, neither he nor his successors-in-interest or legal heirs or assigns would ever question the lie, location, possession and any other right of the writ petitioner temple. In my view, this would more than address the concerns of the writ petitioner and writ petitioner can very well obtain electricity service connection in its own name. Since the construction of the temple as well as the home of the sixth respondent are adjacent to each other, the physical feature that are presently obtaining can be allowed to be continued without any alteration. The fifth respondent is directed to issue independent patta in favour of the temple after appropriate demarcation.



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4.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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