



W.P(MD)No.4934 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4934 of 2018

and

W.M.P.(MD)No.4910 of 2018

Arulmighu Mottaiyasamy Temple,
Tirupuvanam Pudur,
Tirupuvanam,
Sivagangai District,
Represented through its Managing Trustee,
Uiyarani.

... Petitioner

Vs.

1.The District Collector,
Office of the District Collectorate Building,
Sivagangai District.

2.The Thasildhar,
Thirupuvanam Taluk,
Taluk Office,
Thirupuvanam,
Sivagangai District.

... Respondents

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 of the 1st respondent dated 11.01.2018 in proceedings Na.Ka.No.C3/25347/2017 quash the same as the same is arbitrary, ultravires and consequently direct the respondents to issue patta in respect of an extent of



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40 cents comprised in S.No.96/1, Thiruppuvanam Taluk, Manamadurai, Sivagangai District in the name of “Arulmigu Mottayasamy Temple, Thiruppuvanam, Sivagangai District on the basis of the judgment and decree dated 21.10.2016 in O.S.No.107 of 2014 on the file of the District Munsif Court, Manamadurai.

For Petitioner : Mr.R.G.Shankar Ganesh

For Respondents : Mr.G.Sivaraja,
Government Advocate.

ORDER

Heard the learned counsel on either side.

2.The petitioner temple filed O.S.No.107 of 2014 on the file of the learned Principal District Munsif Court, Manamadurai for the relief of declaration and permanent injunction. The respondents herein as well as Southern Railways were shown as defendants in the suit. The suit was decreed as prayed on 21.10.2016. Till date, no appeal has been filed questioning the said judgment and decree. All that the petitioner wants is that changes must be made in the revenue records in respect of the petition mentioned survey number so as to indicate that the property in question is not a government poramboke but belongs to the petitioner temple. Even though such a request was made to



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the Tahsildar, Thirupuvanam, by the impugned memorandum dated 12.07.2017, the second respondent relegated the petitioner to move the District Revenue Officer, Sivagangai. When the petitioner had already obtained a decree from the jurisdictional civil Court, the respondents authorities are obliged to act in consonance thereof. The impugned order runs counter to the decree dated 21.10.2016 obtained by the petitioner in O.S.No.107 of 2014.

3.In this view of the matter, the impugned memorandum is quashed and the writ petition is allowed and the respondents are directed to make the necessary changes in the revenue records in consonance with the aforesaid decree. 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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