



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2022

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD) .Nos.19225 and 20403 of 2021

and

W.M.P(MD) .Nos.15949, 15950, 15952 and 17055 of 2021

T.Parameswaran

... Petitioner

(In both Writ Petitions)

Vs.

- 1.The Special Officer,
District Revenue Officer,
(Temple Lands),
Madurai.
- 2.The Revenue Divisional Officer,
Usilampatti (Camp),
Madurai District.
- 3.The Inspector,
Tamil Nadu Hindu Religious and
Charitable Endowment Department,
Usilampatti,
Madurai District.
- 4.The Thasildhar,
Usilampatti, Madurai District.
- 5.The zonal Deputy Thasildhar,
Chellampatti Zone,
Usilampatti Taluk,
Madurai District.
- 6.The Taluk Deputy Sub-Inspector,
Survey Department,
Usilampatti Taluk, Madurai District.
- 7.The Village Administrative Officer,
Kovilangulam,
Usilampatti Taluk,
Madurai District.

... Respondents

(In both Writ Petitions)



Prayer in W.P.(MD).No.19225 of 2021 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent dated 12.07.2021 made in Na.Ka.No.A/220/2020 quash the same, as the same is arbitrary, ultravires, contrary to the principles of natural justice, audi alteram partem and consequentially direct the first respondent to conduct an enquiry afresh affording opportunity to the interested parties in respect of the property comprised in R.S.No.409/1 to an extent of 4 acres 12 cents situated at Kovilangulam Village, Usilampatti Taluk, Madurai District which absolutely belongs to "PATTAKARUPPASAMY TEMPLE", Nathapatti Village, Madurai District.

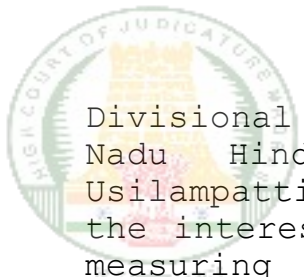
Prayer in W.P.(MD).No.20403 of 2021 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent dated 07.10.2021 made in Pa.Mu.No.2117/2021/A3 quash the same, as the same is arbitrary, ultravires, contrary to the principles of natural justice, audi alteram partem and consequentially direct the first and second respondents to conduct an enquiry afresh affording opportunity to the interested parties in respect of the property comprised in R.S.No.409/1 to an extent of 4 acres 12 cents situated at Kovilangulam Village, Usilampatti Taluk, Madurai District which absolutely belongs to "PATTAKARUPPASAMY TEMPLE", Nathapatti Village, Madurai District.

For Petitioner	: Mr.R.G.Shankar Ganesh
(In both Writ Petitions)	
For Respondents	: Mr.D.Ghandiraj
(In both Writ Petitions)	Special Government Pleader

COMMON ORDER

W.P(MD).No.19225 of 2021 has been filed in the nature of Certiorarified Mandamus, calling into question the order of the first respondent/Special Officer/ District Revenue Officer (temple lands) at Madurai in Na.Ka.No.A/220/2020 dated 12.07.2021 and quash the same and direct the first respondent/Revenue Divisional Officer, Usilampatti, to conduct an enquiry afresh affording opportunity to the interested parties in respect of the property in R.S.No.409/1 measuring 4 acres 12 cents at Kovilangulam Village, Usilampatti Taluk, Madurai District, which, even according to the petitioner belongs to the Pattakaruppasamy Temply, Nathapatti Village, Madurai District.

2.W.P(MD).No.20403 of 2021 has been filed in the nature of Certiorarified Mandamus, calling into question the order of the first respondent/Special Officer/ District Revenue Officer (temple lands) at Madurai in Pa.Mu.No.2117/2021/A3 dated 07.10.2021 and quash the same and direct the first and second respondents/Revenue



Divisional Officer, Usilampatti and the Inspector of Police, Tamil Nadu Hindu Religious and Charitable Endowment Department, Usilampatti to conduct an enquiry afresh affording opportunity to the interested parties in respect of the property in R.S.No.409/1 measuring 4 acres 12 cents at Kovilangulam Village, Usilampatti Taluk, Madurai District which, even according to the petitioner belongs to the Pattakaruppasamy Temply, Nathapatti Village, Madurai District.

3.In the order of the first respondent, it was stated that the name of the temple is "Arulmigu Kakka Vera Karupasamy Temple". The patta unfortunately has been granted in the name of "Arulmigu Kakka Vera Karupasamy Temple trustee". Therefore, the impugned order came to be passed stating that necessary corrections has to be made recognizing the temple being alone as the owner of the lands and removing the word "trustee". This has to be appreciated by the petitioner since he claims to be a trustee of the temple and as trustee his primary object is to see that the temple lands are protected. The temple has been recognized. The patta can be granted only in the name of the temple. The petitioner has been relegated to a secondary place which is only obvious since he cannot claim more predominance than the temple.

4.Therefore, I do not find anything wrong in the order. The order has been passed only after following due procedure. The petitioner was heard. The respondents were heard. Judicial review shall not be lie on the nature of the order passed but only to question the procedure adopted. Therefore, I would uphold the order called in question in the writ petitions and hopefully the petitioner may also accept that the owner of the land is only the temple and that he is only the trustee. His position as a trustee has not been questioned. Therefore, it is only proper that patta stands only in the name of the temple namely, "Arulmigu Kakka Vera Karupasamy Temple".

5.The writ petitions stand dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

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 Special Officer,
District Revenue Officer,
(Temple Lands),
Madurai.
- 2.The Revenue Divisional Officer,
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- 3.The Inspector,
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Chellampatti Zone,
Usilampatti Taluk,
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- 6.The Taluk Deputy Sub-Inspector,
Survey Department,
Usilampatti Taluk,
Madurai District.
- 7.The Village Administrative Officer,
Kovilangulam,
Usilampatti Taluk,
Madurai District.

+2 CC to M/s.R.G.SHANKAR GANESH, Advocate (SR-1657[F]&SR-1658[F]
dated 19/01/2022)

+1 CC to M/s.SPL GP (SR-1514[F] dated 14/12/2021)

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MGJ(10.02.2022) 4P 11C