



W.P.(MD).No.14280 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.08.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.14280 of 2014

and

M.P(MD)No.1 of 2014

T.Malayappan

... Petitioner

Vs.

1.The Tahsildar,
Office of the Tahsildar,
Andipatty Taluk,
Andipatty-625 512,
Theni District.

2.Head Quarters Deputy Tahsildar,
Office of the Tahsildar,
Andipatty Taluk,
Andipatty-625 512,
Theni District.

3.The Executive Officer,
Arul Mighu Meenakshi Sundareswarar Temple,
Andipatti Taluk,
Theni District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus,



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calling for the records relating to the proceedings in Rc.No. 4571/2013/B1, dated 27.08.2013, on the file of the first respondent herein and to quash the same, and directing the respondents 1 and 2 to issue the computerised patta, in the name of the petitioner, in respect to the land bearing Survey No.745, situated in Andipatty bit-1 Village, Andipatty Taluk and Theni District, by rectifying the mistake by deleting the patta No."5397" and by assigning with the correct number in order of serial by considering the representation, dated 16.02.2012 made by the petitioner to the first respondent herein and in terms of the proceedings in O.M.No.1301/2012/A4, dated 02.03.2012 on the file of the second respondent herein, within a time frame as may be fixed by this Court.

For Petitioner : Mr.M.Murugan

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

The present Writ Petition has been filed challenging an order passed by the Tahsildar, under which, the patta standing in the name of the writ petitioner was transferred to the name of the third respondent herein.



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2. According to the learned Counsel for the writ petitioner, his grand-father was conferred with a service inam of Nathaswaram service, granted with regard to the lands in dispute. After the death of his grand-father, it devolved upon his father and now the petitioner is in enjoyment of the same. According to the petitioner, patta was granted in favour of his father in patta No.5397 for survey No.745/2. However, during UDR proceedings, erroneously the name of the petitioner's father was deleted and the name of the third respondent got incorporated. Hence, he made a representation to the first respondent herein to rectify the said defect.

3. The first respondent herein had passed an order that the computer patta has been erroneously granted in favour of the writ petitioner's father without considering that the land in dispute is a service inam of Nathaswaram service of the third respondent Temple. On the said ground, the request of the petitioner has been rejected. This order is under challenge in the present writ petition.



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4. Per contra, the learned Special Government Pleader for the third respondent Temple had contended that though it is a service inam, the petitioner is not performing the services and hence, the Temple has got their right to mutate the revenue records in their own name. Hence, he prayed for suspending the impugned order.

5. I have carefully considered the submissions made on either side. Even as per the impugned order, the land in dispute has been granted as a service inam for performing Nathaswaram service in the third respondent Temple. That should be reflected in the revenue records also. Hence, the patta should have been granted in the name of the writ petitioner indicating the fact that, it is a service inam for performing the Nathaswaram service to the third respondent Temple. However, the Temple is at liberty to initiate proceedings as contemplated under Section 41 of the Hindu Religious and Charitable Endowments Act, 1959. Till proceedings got terminated under Section 41 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, the patta shall stand in the name of the writ petitioner indicating that, it is a service inam for Nathaswaram service to be performed for the third respondent Temple.



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6. With the above said observations, the Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes / No
btr

To

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R.VIJAYAKUMAR, J.

btr

Order made in
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