



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.04.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P. (MD) No.21742 of 2019

and

W.M.P. (MD) No.18477 of 2019

WEB COPY

1.Chandrasekar

2.Ramesh

3.Murugadoss

... petitioners

/vs./

1.The District Collector,
Trichy, Trichy District.

2.The Revenue Divisional Officer,
Trichy, Trichy District.

3.The Commissioner,
Hindu Religious and Charitable Endowment Board,
Arulmighu Subramaniya Samy Thirukovil,
Vayalur, Trichy.

4.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Arulmighu Subramaniya Samy Thirukovil,
Vayalur, Trichy.

5.Thakar / Executive Officer,
Arulmighu Subramaniya Samy Thirukovil,
Kumaravayalur, Trichy.

6.Alageshan

7.Girivel

8.Arunachalam

9.Nadarajan

10.Tamilselvam

11.Sivaji

12.Soundarajan

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned order vide proceedings in Naa.Kaa.No.1410/2017/A8 dated 22.08.2019 and Naa.Kaa.No.1410-1/2017/A8 dated 22.08.2019 passed by the 4th respondent and quash the same.

For petitioners : Mr.L.Velpradeep
For R1 to R4 : Mr.P.Subbaraj
Special Government Pleader
For R5 : Mr.C.Gunaseelarupan
For R6 & R7 : Mr.A.Chandrasekar
For R8 to R12 : No appearance

ORDER

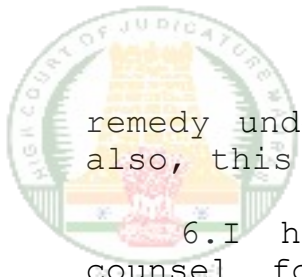
The petitioners have challenged the impugned order, dated 22.08.2019 passed by the 4th respondent.

2.By the first mentioned order, the 4th respondent had directed the petitioners and the private respondents to maintain the property and to perform poojas by cultivating the lands. By the second mentioned order, the petitioners and the private respondents have been called upon to remove the construction and secure the title deeds of the revenue documents of the property.

3.It is the specific case of the petitioners that the impugned orders are arbitrary and are liable to be quashed. It is submitted that the impugned order is without jurisdiction under Section 19 of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) and Rules 13, 1963 Rule conferred the power to the 2nd respondent to conduct enquiry under Section 21 of the aforesaid Act.

4.It is submitted that the petitioners are the legal decendants of the Poosari, who was given ryotwari patta under the provisions of the aforesaid Act as service holder to render service. It is submitted that there is no question of interfere with the peaceful possession of the property. It is submitted that the petitioners and the private respondents are joint pattathars and therefore, their possession cannot be disturbed.

5.Opposing the prayer, the learned counsel for the official respondents submits that the ryotwari patta was given to the priest of the temple to perform duties by cultivating the lands. The petitioners have however been converted the agricultural lands into the residential place and are residing contrary to the ryotwari patta settlement order and therefore submits that there is no merit in the writ petition. The learned counsel for the official respondents further submits that the petitioners have an alternate



remedy under Section 21 A of the Act and therefore on this count also, this writ petition is liable to be dismissed.

6.I have considered the arguments advanced by the learned counsel for the petitioners, learned counsel for the official respondents and the learned counsel for the private respondents.

7.The petitioners have an alternate remedy under Section 21 A of the Act. There is no merit in the present writ petition. Therefore, this writ petition stands dismissed with liberty to the petitioners to approach the Joint Commissioner, HR & CE, Trichy, within a period of 30 days from the date of receipt of a copy of this order. In case such appeal is filed within such time, the Joint Commissioner shall consider and dispose of the same on merits and in accordance with law. It is needless to state that before passing such orders, the petitioners shall also be heard. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The District Collector,
Trichy, Trichy District.
- 2.The Revenue Divisional Officer,
Trichy, Trichy District.
- 3.The Commissioner,
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Arulmighu Subramaniya Samy Thirukovil,
Vayalur, Trichy.
- 4.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Arulmighu Subramaniya Samy Thirukovil,
Vayalur, Trichy.



+1 CC to M/s.DR.C. GUNASEELARUPAN, Advocate (SR-17818[F] dated 11/04/2022)

+1 CC to M/s.I. VEL PRADEEP, Advocate (SR-17854[F] dated 11/04/2022)

+1 CC to M/s.I. VELPRADEEP, Advocate (SR-18000[F] dated 12/04/2022)

+1 CC to M/s.SPL.GP. (SR-18128[F] dated 12/04/2022)

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-18684[F] dated 13/04/2022)

W.P. (MD) No.21742 of 2019
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