



W.P(MD).No.23537 of 202



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD).No.23537 of 2022

and

W.M.P(MD).Nos.17616 and 17619 of 2022

S.Muthuraj

... Petitioner

Vs.

- 1.The Secretary,
Revenue Department,
Fort St.George,
Chennai-9.
- 2.The Secretary,
Hindu Religious Endowment Department,
Fort St.George,
Chennai-9.
- 3.The Commissioner of Revenue Administration,
Ezilagam, Chepauk,
Chennai-5.
- 4.The Commissioner of Land Administration,
Ezilagam, Chepauk,
Chennai-5.
- 5.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.



6.The Joint Commissioner,
Hindu Religious and Endowment Department,
B1 Road, Ellis Nagar,
Madurai-16.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the 6th Respondent from proceeding with the enquiry in Miscellaneous Petition No.18/2022/E1 pending before the 6th Respondent till the disposal of the appeal pending before the 3rd Respondent and Petitioner's proposal for assignment pending before the 2nd Respondent.

For Petitioner : Mr.S.Venkatesh
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

The Writ Petition is filed praying for a Writ of Mandamus forbearing the 6th Respondent from proceeding with the enquiry in Miscellaneous Petition No.18/2022/E1 pending before the 6th Respondent till the disposal of the appeal pending before the 3rd Respondent.

2. Brief facts:

a) The petitioner along with his father A.Soundarapandian jointly purchased the property in S.Nos.268/4 and 268/3B of Naranapuram Village measuring to an extent of 01.07.5 Hectares ie., 2.66 acres and also obtained a joint patta. They intended to run a fireworks factory in the said premises for



which they applied for no objection certificate. It is submitted that the District Revenue Officer, Virudhunagar, after scrutinizing the revenue records and an inspection of the above lands, granted no objection certificate for getting Explosive licences in the name of "M/s.The Sheematti Fireworks" vide communication dated 19.07.1995. While so, due to financial hardship, the petitioner entered into partnership with Mr.A.R.Jeyarajan and his family members. The Explosive licenses was changed as "M/s. Sargunam Fireworks Industries". The said changes were done after conducting necessary inspection by the District Revenue Officer, Virudhunagar and after verification of revenue records and an receiving reports.

b) While that being so, the Executive officer of Arulmigu Nintra Narayana Perumal Temple, issued show cause notices dated 18.08.2020 and 15.09.2020, proposing to treat the aforementioned properties as temple properties and that the Petitioner had encroached and directed to hand over possession, wherein, reference was made to the proceedings of the District Revenue Officer. The petitioner sought for a copy of the said proceedings under RTI Act. On receipt of the same, the petitioner came to know that without notice, the District Revenue Officer has passed an order cancelling the patta which stood in the petitioner's name. The petitioner submitted his



objections on 03.10.2020 to the 5th Respondent and requested to review the order on the ground that no notice was issued to the petitioner and he is not the competent authority to pass such order as the issue relates to patta under Inam Settlement Act.

c) It is submitted that the 5th Respondent without perusing the Revenue/Inam settlement records and without obtaining any report from his subordinates and also without conducting field inspection, had passed orders vide his proceedings dated 07.12.2018 stating that the lands represent Inams to the employees of the temple under the Land Tenure Development Scheme and pattas were wrongly issued in the name of the private parties without mentioning the name of the temple, a direction was issued to rectify by replacing the name of the temple instead of the private parties. As the order of the 5th Respondent is against the principles of natural justice and arbitrary, an appeal was filed on 28.02.2022 before the 4th Respondent. As there was no response or reply, the petitioner sent a reminder along with the appeal to the Respondents 3 and 4 on 06.08.2022 through registered post, for restoring/reissuing the patta in the name of the Petitioner, which is said to be pending consideration.



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3. It is submitted by the learned counsel for the petitioner that until the appeal, which is pending before the 3rd Respondent, is disposed of, the 6th Respondent may be directed not to proceed with enquiry in Miscellaneous Petition No.18/2022/E1 in terms of Section 78(2) of the Hindu Religious and Charitable Endowments Act.

4. It is submitted by Mr.P.Subbaraj, learned Special Government Pleader appearing for the Respondents that there may be a direction to the 3rd Respondent to dispose of the appeal within a fixed time limit, until then the proceedings of the 6th Respondent shall be kept in abeyance.

5. In view of the same, the third Respondent is directed to dispose of the appeal, which is pending, within a period of eight (8) weeks from the date of receipt of a copy of this order, until then, the 6th Respondent shall keep the proceedings under Section 78 of the Hindu Religious and Charitable Endowments Act in abeyance. Subject to the outcome of orders passed by the 3rd Respondent, it is open to the 6th Respondent to take appropriate measures in accordance with law.



6. This Writ Petition is disposed of. There shall be no order as to costs.

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Consequently, connected miscellaneous petitions are closed.

18.10.2022

Index : Yes / No

Internet : Yes/ No

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MOHAMMED SHAFFIQ, J.

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