



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. (MD) No.10782 of 2016

and

W.M.P. (MD) Nos.8372 and 8373 of 2016

WEB COPY

S.Pandi

... Petitioner

/vs./

1.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Madurai-1.

2.The Tahsildar,
Peraiyur, Madurai District.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Madurai -1.

4.S.N.K.Nagayasamy Kamaya Naicker

... 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 issued by the 1st respondent bearing Na.Ka.No.4910/2004-4(1)A1 dated 06.06.02016 under Section 79 of the Tamil Nadu Religious and Charitable Endowments Act, 1959, for demolishing and dispossessing the petitioner from his house measuring 480 sq. ft., of land comprised in present S.No.271/9 of Saptur Village, Peraiyur Taluk, Madurai District.

For Petitioner	: Mr.K.Samidurai
For R1 to R3	: Mr.P.T.Thiraviam
	Government Advocate
For R4	: Mr.P.T.S.Narendravasan

ORDER

The petitioner has challenged the impugned communication of the 1st respondent dated 06.06.2016.

2.The petitioner claims to have purchased the property in the year 1987 and 1989. The petitioner has purchased two parcels of land measuring each 441 sq.fts., in S.No.271/9, at Vadamalaikurichi, Saptoor Village, Peraiyur Taluk, Madurai District. The petitioner claims that he is in possession of patta issued by the concerned Revenue Officials, namely the Tahsildar.

3.It is the case of the petitioner that the petitioner has filed O.S.No.85 of 2016 before the District Munsif cum Judicial
<https://hcservices.ecourts.gov.in/hcservices/>



Magistrate Court, Peraiyur. It is submitted that the land in question was originally a Natham Land and not the temple land and therefore, the impugned proceedings initiated purportedly under Section 79 of the HR & CE Act, 1959 (herein after referred to as 'Act') was contrary to law. That apart, it is submitted that the official respondents have not served a copy of the order passed under Section 78 of the Act.

4. Opposing the prayer, the learned Government Advocate for the official respondents and the learned counsel for the temple submits that the writ petition is devoid of merits, inasmuch as the petitioner has purchased the property in S.No.271/9 vide two sale deeds dated 18.03.1987 and 23.08.1989. The impugned order on the other hand pertains to the land in S.No.270/2 in Pazhaiyur Village. It is therefore submitted that the basis, on which the petitioner is claiming right over the property based on the two sale deeds and the impugned order, are not related to each other. It is therefore submitted that the writ petition is liable to be dismissed.

5. I have considered the arguments advanced by the learned counsel for the petitioner, learned Government Advocate for the official respondents and the learned counsel for the 4th respondent.

6. There is no merits in this writ petition, inasmuch as there are no records to substantiate that the petitioner has been issued with patta for the land in S.No.270/2. The records filed by the petitioner also indicate that the two sale deeds, which have been enclosed along with the typed set of papers in support of the present writ petition do not related to the land in S.No.270/2. Therefore, the writ petition is liable to be dismissed and accordingly, it stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mm

To

1. The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Madurai-1.

2. The Tahsildar,
Peraiyur, Madurai District.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Madurai -1.

+1 CC to M/s.K.SAMIDURAI, Advocate (SR-10111[F] dated 04/03/2022)

+1 CC to M/s.SPL GP (SR-10187[F] dated 04/03/2022)

+1 CC to M/s.PT.S.NARENDRAVASAN, Advocate (SR-9901[F] dated
03/03/2022)

W.P. (MD) No.10782 of 2016
03.03.2022

SRR (CO)
KB(01.04.2022) 3P 7C