



W.P(MD)No.21540 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.21540 of 2016
and W.M.P(MD).Nos.15400 and 15401 of 2016

A/M Mottaiyasamy Temple,
Thiruppuvanam Pudur,
Sivagangai District.
Rep., by its Managing trustee

... Petitioner

Vs.

1.The Tahsildar,
Thiruppuvam,
Sivagangai District.

2.T.Selvaraj

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent pertaining to the issuance of pata No.1024 in the name of the second respondent in respect of S.No. 93/1 subdivided as S.No.93/1B, Thiruppuvanam Village, Sivagangai District, quash the same as the same is arbitrary, ultravires, contrary to the principles of natural justice, audialteram partem and consequentially direct the first respondent to conduct an enquiry afresh affording opportunity to the petitioner.



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For Petitioner : Mr.R.G.Shankar Ganesh
For Respondents : Mr.P.Thambidurai (for R1)
Government Advocate
Mr.A.Bharathy Kannan (for R2)

ORDER

The present writ petition has been filed challenging the order passed by the first respondent herein granting patta in favour of the second respondent in Patta No.1024.

2.According to the writ petitioner, he is the Managing Trustee of the petitioner temple and the petitioner temple has been declared to be a public temple by way of proceedings of the Deputy Commissioner of Hindu Religious and Charitable Endowment Department, dated 30.08.1960. The temple property register also indicates that the property in dispute, namely an extent of 40 cents in S.No.93/1 is the property of the petitioner temple and the said property register has also been attested by the Inspector of Hindu Religious and Charitable Endowment Department. The petitioner has further contended that the 'A' register stands in the name of the 'மடம்'. Despite all these revenue records, the



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second respondent herein had approached the first respondent for transfer of patta in his name. Without notice to the petitioner temple, the first respondent has proceeded to grant patta in favour of the second respondent under patta No.1024. The said order is under challenge in the present writ petition.

3.Per contra, the learned Government Advocate appearing for the first respondent had contended that the properties are the personal properties of one Thiruvengadam and as his son, he is entitled to the said land and hence, transfer of patta in his name is correct.

4.It is seen from the records that the patta and other revenue records were standing in the name of the petitioner temple. Without notice to the petitioner temple, the first respondent has proceeded to pass order and granted patta in favour of the second respondent herein.

5.In view of the aforesaid facts, the patta granted in favour of the second respondent in Patta No.1024 is hereby set aside. The matter is remitted back to the file of the first respondent herein. The first



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respondent shall consider the matter on merits and in accordance with law, after giving due opportunity to the writ petitioner and the second respondent herein. The said exercise shall be completed within a period of twelve(12) weeks from the date of receipt of a copy of this order.

6.With the aforesaid direction, the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

24.08.2022

Index : Yes / No
Internet : Yes / No
Rmk

To

The Tahsildar,
Thiruppuvam,
Sivagangai District.



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R.VIJAYAKUMAR ,J.

Rmk

Order made in
W.P(MD)No.21540 of 2016

Dated:
24.08.2022