



W.P(MD)No.27343 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P(MD)No.27343 of 2022
and
W.M.P(MD)No.21447 of 2022**

Subramanian alias Pattabi

... Petitioner

VS.

- 1.The Commissioner,
Archives and Historial Research,
50/51, Gandhi Irvin Road,
Egmore,
Chennai – 8.
- 2.The District Collector,
Sivagangai.
- 3.The District Collector,
Pudukottai.
- 4.The Tahsildar,
Karaikudi.
- 5.The Tahsildar,
Thirupattur.
- 6.The Tahsildar,
Thirumayam.



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7.The Special Tahsildar (Temple Lands),
Sivagangai.

8.Sri Jeyamkonda Choleeswarar Soundaranayagi Ambai Temple,
Nemam, Tirupatur Taluk,
Sivagangai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to mutate the records in the name of the eighth respondent Temple based on the registered sale deed in Document No.1133 of 1889, dated 11.06.1889 and to evict the encroachers from the eighth respondent Temple.

For Petitioner : Mr.P.Thoothai Munisamy

For RR 1 to 6 : Mr.S.P.Maharajan
Special Government Pleader

For R – 7 : Mr.P.Subbaraj
Special Government Pleader

For R – 8 : Mr.RM.Arun Swaminathan

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The prayer made in this Writ Petition is to issue a Writ of Mandamus, directing the respondents to mutate the records in the name of the eighth respondent Temple based on the registered sale deed in Document No.1133 of 1889, dated 11.06.1889 and to evict the encroachers from the eighth respondent Temple.

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2.The learned counsel appearing for the petitioner submitted that the petitioner's Temple was donated by three Villages consisting a vast extent of land by 12 Nagarthars. The document was found recently and the Temple trustee filed a writ petition in W.P(MD)No.7836 of 2022 and this Court, by order, dated 25.04.2022, directed the fifth respondent herein to provide the correlation statement. However, the fifth respondent sent the said statement in respect of one Village alone, namely Nemam Village and in respect of the properties situated in two villages, which are in the jurisdiction of the respondents 4 and 6, correlation statement has not been issued. The learned counsel further submitted that the entire properties in three Villages have to be identified and handed over to the Temple. Hence, this Writ Petition.

3.The learned counsel appearing for the petitioner further submitted that this Court, by order dated 25.04.2022 in W.P(MD)No.7836 of 2022, touching the same issue of other Villages including the Districts, has held as follows:-

“6.Temple properties will have to be protected. As seen from the affidavit filed in support of this writ petition, no



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litigations are pending pertaining to the subject property which is claimed to be owned by the petitioner temple. The petitioner claims that the temple is in possession of the property ever since the purchase in the year 1889. While that be so, in order to ascertain as to whether the petitioner is entitled for correlation certificate or not, the first respondent ought to have forwarded the petitioner's application to the second respondent who is the revenue authority. The first respondent is the authority heading the survey division and with regard to the issuance of patta and other revenue documents, the second respondent is the competent authority.

7.For the foregoing reasons, since the first respondent has not forwarded the petitioner's application to the second respondent and has not followed the procedure contemplated under law, this Court remands the matter back to the first respondent who shall forward the petitioner's application dated 15.11.2021, seeking for correlation certificate for the property which is the subject matter of the sale deed bearing Document No.1133 of 1889 to the second respondent within a period of one [1] week from the date of receipt of a copy of this order. On receipt of the same, the second respondent shall pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner's authorised representative and any other necessary party whom the second respondent deems fit to enquire within a period of four [4] months, thereafter."



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4. Though the learned counsel appearing for the petitioner has sought for the aforesaid relief, now the petitioner confines his prayer only to consider and dispose of the petitioner's representation, dated 11.11.2022 in the light of the above decision.

5. In view of the limited relief sought for by the learned counsel appearing for the petitioner, the respondent authority is directed to consider the representation of the petitioner, dated 11.11.2022, in the light of the order passed by this Court in W.P(MD)No.7836 of 2022, dated 25.04.2022 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[R.M.D.,J.] [J.S.N.P.,J.]
02.12.2022

Index : Yes / No
Internet : Yes
ps

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R.MAHADEVAN,J.
and
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ORDER MADE IN
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DATED : 02.12.2022