



W.P.No.3695 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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P.Aravindh

.. Petitioner

Vs

1. The District Collector
Tiruvarur District.
2. The Joint Commissioner
Hindu Religious and Charitable
Endowments Department
Thanjavur.
3. The Executive Officer
Arulmigu Gnanapureeswarar Thirukoil
Thirumeignanam, Nannilam Taluk
Tiruvarur District.
4. The Tahsildar
Nannilam Taluk
Tiruvarur District.
5. R.Annamalai
6. D.Ganesan
7. Gurusamy
8. Lingaraj



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9. C.Udhaya Suriyan

10. G.Sekar

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the fourth respondent to cancel the patta issued in favour of private respondents 5 to 10 and others in respect of the land situated at Polakudi Village Survey Nos.8(2), 8(3), 9(5), 19(0), 6(1), 7(2A), 7(4c), 40(3), 7(4b), 8(1), 9(2), 40(1a), 1(2), 2(1), 2(3b)2, 3(1); Alathur Village Survey Nos.38(6), 38(7), 38(4) and Nakkampaadi Village Survey No.133(2) – Total extent 10.75 Acres and to restore the same in the name of Gnanapureeswarar Temple, located at Thirumeignanam Village, Nannilam Taluk, Tiruvarur District based on the representation of the petitioner dated 28.12.2022.

For the Petitioner : Mr.C.Prabakaran

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondent Nos.1 and 4

: Mr.N.R.R.Arun Natarajan
Special Government Pleader
(HR & CE)
for respondents 2 and 3

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

This writ petition has been filed by the petitioner for issuance of a writ of mandamus directing the fourth respondent to cancel the



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patta issued in favour of the private respondents 5 to 10 and others in respect of the land in Survey Nos.8(2), 8(3), 9(5), 19(0), 6(1), 7(2A), 7(4c), 40(3), 7(4b), 8(1), 9(2), 40(1a), 1(2), 2(1), 2(3b)2, 3(1) situated at Polakudi Village; Survey Nos.38(6), 38(7), 38(4), situated at Alathur Village and Survey No.133(2) situated at Nakkampaadi Village, measuring total extent 10.75 acres and to restore the same in the name of Gnanapureeswarar Temple, located at Thirumeignanam Village, Nannilam Taluk, Tiruvarur District.

2. When the petition is taken up for hearing, learned Special Government Pleader (HR & CE) appearing for respondents 2 and 3 submitted that the third respondent temple has already filed an appeal for cancellation of patta before the District Revenue Officer, Tiruvarur and, therefore, the writ petition is not maintainable and the same is liable to be dismissed.

3. On the other hand, learned State Government Pleader appearing for respondents 1 and 4 submitted that the appeal for cancellation of patta has to be filed before the Revenue Divisional



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Officer, Tiruvarur and the District Revenue Officer, Tiruvaur is not the competent authority to deal with the appeal.

4. At this juncture, learned Special Government Pleader (HR&CE) submitted that the third respondent temple is ready to file appeal before the Revenue Divisional Officer, Tiruvarur.

5. Be that as it may, since the third respondent temple has already taken steps for cancellation of patta issued in favour of the private respondents and others in respect of the temple lands by way of appeal before the District Revenue Officer and since the third respondent is now ready to file appeal before the concerned authority, namely, the Revenue Divisional Officer, Tiruvaur, the writ petition at the hands of the petitioner is not maintainable. That apart, exercising jurisdiction under Article 226 of the Constitution of India, the writ court cannot direct the fourth respondent/Tahsildar, Nannilam, to cancel the patta as prayed for by the petitioner. Further, if the petitioner is really aggrieved by the issuance of patta in favour of the private respondents in respect of the temple lands, he has to work out his remedy in the manner known to law and not before this Court.



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6. The writ petition fails and the same is dismissed. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
09.02.2023

Index : Yes/No
Neutral Citation : Yes/No
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