



W.P(MD)No.1866 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1866 of 2023

A.Narasimman

... Petitioner

Vs.

1.The District Collector,
Trichy District.

2.The Tahsildar,
Manachanallur Taluk,
Trichy District.

3.The Revenue Divisional Officer,
Lalgudi,
Trichy.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 23.09.2022 to make entries in the name of Sri Kodapillayar and Ayyanar Temple represented by its present Trustee with respect to Patta for S.Nos.178/1 and 178/3 Thaluthalapatti (North) Village, Manachanallur Taluk, Trichy District and classify them as ryotwari land.



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For Petitioner : Mr.K.Prabhakar
For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The only issue that calls for consideration is whether patta should be issued in respect of Survey No.178/3 in Thaluthalapatti (North) Village, Manachanallur Taluk, Trichy District. The stand of the respondents is that while Survey No.178/1 stands in the name of Ayyanar Temple represented by its trustee, Survey No.178/3 has been classified as temple tank. He therefore submitted that the prayer in the writ petition cannot be accepted.

3.I am not able to appreciate the stand taken by the respondents. This is for more than one reason. The petitioner has enclosed the earlier revenue records. It can be seen there from that both Survey Nos.178/1 as well as 178/3 stood in the name of the temple. Survey No.178/2 alone was classified as cart track. During settlement proceedings also patta was issued in favour of the temple. As rightly pointed out by the learned counsel appearing for the petitioner if Survey No.178/3 was a water body, then patta would not have



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been issued. What clinches the issue in favour of the petitioner is passing of decree dated 25.03.2008 in O.S.No.106 of 2005 on the file of District Munsif cum Judicial Magistrate, Lalkudi. The said suit was instituted by the temple represented by its trustees. The petitioner herein was one of the plaintiffs. The State of Tamil Nadu was the first defendant. The respondents 2 and 3 herein also figured as defendants in the suit. The suit was for the relief of mandatory injunction for directing the authorities to make entries in the revenue records by mentioning the names of the plaintiff as pattadhar in respect of the suit property. The suit property was none other than Survey No.178/3. The said decree has become final. It is therefore too late in the day for the respondents to oppose the writ prayer.

4.The second respondent is directed to make appropriate changes in the revenue record and issue patta as sought for in the petition mentioned representation. This exercise shall be completed in favour of the writ petitioner within a period of six weeks from the date of receipt of a copy of this order. I make it clear that the revenue record as well as the patta to be issued should be only in the name of the temple represented by its present trustee, namely, the petitioner herein.



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5.This writ petition is allowed on these terms. There shall be no order as to costs.

28.02.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

- 1.The District Collector,
Trichy District.
- 2.The Tahsildar,
Manachanallur Taluk,
Trichy District.
- 3.The Revenue Divisional Officer,
Lalgudi,
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G.R.SWAMINATHAN, J.

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