BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.5564 of 2021

Sri Muthumariamman Kovil Trust,
No.4/152, Madagupatti Post,
Perungudi,
Singinipatti Village,
Sivagangai District,
Represented by its Trustee,
A.Murugesan ... Petitioner

Vs.

1.The Block Development Officer,
Panchayat Union Office,
Sivagangai District.

2.The President,
Perungudi Panchayat,
Sivagangai Taluk,
Sivagangai District.

3.The Secretary,
Perungudi Panchayat,
Sivagangai Taluk,
Sivagangai District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second and third respondents to issue a house tax receipt regarding a temple namely Sri

Alagumuthu Mariamman in respect of Survey No.24/4 situated at "Nallathanni Kulam" "Singinipatti", Madagupatti Post, Sivagangai District based on the petitioner's representation dated 04.09.2020 and 27.11.2020.

For Petitioner : Mr.PR.Boomee Rajan

For Respondents : Mr.M.Ramesh,
Government Advocate.

ORDER

This Writ Petition is filed for Mandamus, directing the second and third respondents to issue property tax receipt for the temple namely Sri Alagumuthu Mariamman in respect of Survey No.24/4 situated at "Nallathanni Kulam" "Singinipatti", Madagupatti Post, Sivagangai District based on the petitioner's representation dated 04.09.2020 and 27.11.2020.

2. The petitioner is the permanent resident in the aforesaid address and the petitioner is an agriculturist coolie. Originally, the 360 family members of the Perungudi village had arranged huge money to construct the Temple in "Nalla Thanni Kulam" in Survey No.24/4. Thereafter, each and every year, the Temple festival has been conducted in a peaceful manner and without creating law and order problem in the area. The petitioner had approached the second

respondent regarding the property tax and to issue receipt in the name of the Temple, but the said application was returned on 02.12.2020 along with the Demand Draft of Rs.250/-. The reason cited by the respondents is that the temple ought to be represented by the trustee and directed the petitioner to submit application through trustee. Thereafter, immediately the petitioner formed a trust and the same was registered as per law. Inspite of the same the respondent has not issued tax receipt hence the petitioner is before this Court.

3. The first respondent has filed a counter stating that one Narayanan Son of Somasundaram, Annamalai son of Muthusamy, Ganasen son of Muthusamy had executed a settlement deed dated 13.01.2021, in favour of temple thereby donated the said hereditary land to the temple. In the said settlement deed the temple is represented by the one Alagarsamy son of Alagan who is shown as President-cum-Poosari of the temple. It is specifically stated in the settlement deed that the said three persons Narayanan, Annamalai and Ganasen had gifted the property described in the schedule in favour of the abovementioned Temple and further the settlement deed has nominated the said Alagarsamy to deal with the property tax issue and to obtain EB service connection in the name of Alagarsamy. In the settlement deed it is also stated that the property is gifted to

the temple in turn the temple shall grant "muthal mariyathai" to the family of the donor. Since the said Alagarsamy has been nominated, the petitioner is not having any legal right to file this Writ Petition. Moreover, there is no proper trust executed by the petitioner, hence the application was returned.

4. The Panchayat President has given written instructions to the Government Advocate stating that the concern person should approach and not the petitioner. Therefore, the petitioner's claim cannot be considered. Moreover, the learned Government Advocate submitted that for the land in question, a joint patta was issued and therefore, individual person cannot claim right over the land.

5. After hearing rival submissions, this Court is of the considered opinion that the land was gifted by Narayanan, Annamalai and Ganasen. The president-cum-poosari is the said Alagarsamy. None of these people were shown as members of the trustee and totally different people are shown as trustee, which indicates that there are rival groups. It is also seen that there is no scheme to manage the temple. As on date, the temple is not within the purview of the HR&CE department. Then the appropriate remedy is to

formulate a scheme by including the donors, poosaris, the trust members and other villagers. Therefore, the petitioner is directed to file an application before the authorities or to file a suit for formulating a scheme.

6. The issue of property tax and the EB connection, in whose name the same should be issued shall also be decided in the said scheme.

7. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

12.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To

1.The Block Development Officer,
Panchayat Union Office,
Sivagangai District.

2.The President,
Perungudi Panchayat,
Sivagangai Taluk,
Sivagangai District.

3.The Secretary,
Perungudi Panchayat,
Sivagangai Taluk,
Sivagangai District.

S.SRIMATHY, J.

Nsr

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