



W.P.(MD) No.7913 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.7913 of 2023

Gopalakrishnan

... Petitioner

-VS-

- 1.The Collector
Virudhunagar District
Virudhunagar
- 2.The Revenue Divisional Officer
O/o.the Revenue Divisional Officer
Aruppukkottai
Virudhunagar District
- 3.The Revenue Tahsildar
O/o.the Revenue Tahsildar
Virudhunagar
- 4.The Revenue Inspector
O/o.the Revenue Inspector
Aamathoor, Virudhunagar Taluk
Virudhunagar District



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5.The Village Administrative Officer
O/o.the Village Administrative Officer
Amathoor, Virudhunagar Taluk
Virudhunagar District

6.Thamaraiselvi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records of the impugned order in Na.Ka.Aa1/352/2023 in his proceedings by the third respondent dated 17.03.2023 and quash the same as illegal.

For Petitioner : Mr.L.Prabhu

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R5

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.S.P.Maharajan, learned Special Government Pleader, takes notice for the respondents 1 to 5.

2. Considering the nature of the relief, notice to the private respondent is deemed unnecessary.



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3. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

4. Challenge in this writ petition is to the order of the Tahsildar, Virudhunagar, dated 17.03.2023, made purportedly in exercise of the power under Section 7 of Act 3 of 1905 (for brevity, “the Act”).

5. A bare perusal of the impugned order shows that the Tahsildar has exceeded his jurisdiction in initiating and proceeding further with the action under the Act.

6. Section 2 of the Act, which vests all lands in the Government, excludes the land classified as “Temple Site” and the land occupied as “House Site or Backyard”. Therefore, the land in question, which is classified as “Government Poramboke Temple” and which even according to the Tahsildar, belongs to Muppudathi Amman Temple, does not vest in the Government and as such, the Government has no power to initiate action under the enactment under reference.



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7. Leaving it open to the Temple Authorities to take action under the relevant laws, this writ petition is allowed and the impugned order dated 17.03.2023, passed by the third respondent, is set aside. No costs.

[R.S.M., J.]

[L.V.G., J.]

10.04.2023

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

krk

To:

- 1.The Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Aruppukkottai, Virudhunagar District.
- 3.The Revenue Tahsildar,
O/o.the Revenue Tahsildar,
Virudhunagar.
- 4.The Revenue Inspector,
O/o.the Revenue Inspector,
Aamathoor, Virudhunagar Taluk,
Virudhunagar District.
- 5.The Village Administrative Officer,
O/o.the Village Administrative Officer,
Amathoor, Virudhunagar Taluk,
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