



W.P.(MD)No.10057 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.11.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.10057 of 2021

Arulmigu Meenakshi Sundareswarar Thirukovil,
Represented through its Joint Commissioner /
Executive Officer,
Madurai-625 001.

... Petitioner

Vs

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The District Revenue Officer,
Madurai.
- 3.The Thasildar,
Melur,
Madurai District.
- 4.The Assistant Director of Panchayats,
(Village Panchayats), Madurai.
- 5.The President,
Thiruvathavur Village Panchayat,
Thiruvathavur, Melur Taluk,
Madurai District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to issue patta in the name of Arulmighu Thirumarainatha Samy Thirukovil, Thiruvathavur, a Sub Temple of petitioner temple, for the lands in S.No. 266/1, Thiruvathavur Village, Melur Taluk, Madurai District, measuring 18 cents and also to retrieve the portion of said lands from the occupation of 5th respondent Panchayat to the temple within the time stipulated by this Court.

For Petitioner : Mr.VR.Shanmuganathan

For Respondents : Mr.A.K.Manikkam,
Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the respondents to issue patta in the name of the Temple with respect to the subject property and also to retrieve the portion of the lands occupied by the fifth respondent.

2. The case of the petitioner is that the subject property in Survey No.266/1 measuring an extent of 0.18 cents is situated in front of Arulmigu Thirumarainatha Samy Thirukovil, Thiruvathavur at Melur Taluk, Madurai District, which is the subject Temple belonging to the petitioner Temple. It is stated that the lands are classified as “Grama



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Natham-Sarkar Poramboke” lands. The further case of the petitioner is that this portion of the land is being utilized by the Temple during festival season including car festivals and it is being maintained by the Temple. In view of the same, the petitioner had sought for issuance of patta for the subject lands. A representation was made in this regard. Since the same was not considered, the present Writ Petition has been filed.

3. When the matter came up for hearing on 18.10.2023, the learned counsel appearing for the petitioner submitted that the fifth respondent is attempting to put up constructions in the vacant property opposite to the Temple. The learned counsel further submitted that this portion of the property is being utilized during the festivals and it is being maintained by the Temple. It was further submitted that if the properties are left as such as vacant lands, the Temple will continue to maintain the same and put it to use during the festival season including the car festivals.

4. In view of the above submission made by the learned counsel appearing for the petitioner, this Court directed the learned Special Government Pleader to take instructions from the respondents and to



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inform this Court as to whether the place opposite to the Temple is going to be kept vacant or if there is any proposal to put up any construction.

Accordingly, the matter was directed to be posted for hearing today.

5. When the matter was taken up for hearing today, the learned Special Government Pleader produced the photographs showing the present status of the lands opposite to the Temple. The learned Special Government Pleader further submitted that there is no proposal on the part of the fifth respondent to put up any construction in this place and this place will be maintained as such.

6. In the light of the above submission made by the learned special Government Pleader, the petitioner Temple can continue to utilize the lands opposite to the Temple during the festivals and car festivals and they can continue to maintain these lands as such. This will substantially take care of the grievance that was raised by the learned counsel appearing for the petitioner and to enable the Temple to utilize the land opposite to the Temple, as was used by them in the past.



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7. Insofar as the other relief that was sought for by the learned petitioner for directing the respondents to issue patta in favour of the petitioner with respect to the property is concerned, no positive directions can be issued by this Court. It is seen from records that the petitioner Temple had given a representation to the first respondent and others in the year 2001 itself and it was acted upon and the first respondent had also issued proceedings dated 18.12.2001 by directing the revenue authorities to submit their objections. Thereafter, there was exchange of communication and no official decision has been taken with respect to issuance of patta in the name of the Temple.

8. In view of the same, there shall be a direction to the petitioner to make a fresh representation before the first respondent along with all the relevant documents and also a copy of this order. The first respondent shall act upon the same and deal with it strictly in accordance with law. A decision shall be taken by the first respondent in this regard within a period of six (6) months from the date of receipt of a copy of this order.



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9. This Writ Petition is disposed of in the above terms. No

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costs.

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NCC:yes/no

Index:yes/no

Internet:yes/no

tsg

To

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2.The District Revenue Officer,
Madurai.

3.The Thasildar,
Melur,
Madurai District.

4.The Assistant Director of Panchayats,
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5.The President,
Thiruvathavur Village Panchayat,
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N.ANAND VENKATESH, J.

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