



W.P.(MD)Nos.10547 to 10554 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)Nos.10547 to 10554 of 2022

and

W.M.P.(MD)Nos.7677, 7680, 7678, 7679, 7683, 7682, 7684 and 7681 of 2022

W.P.(MD)No.10547 of 2022

K.Selvaraj

Vs.

... Petitioner

1.The District Collector,
Trichy District, Trichy.

2.The Revenue Divisional Officer,
Srirangam, Trichy District.

3.The Tahsildar,
Taluk Office,
Srirangam, Trichy District.

4.The Executive Officer,
Arulmighu Jambukeshwarar Akilandeshwari Thevasthanam
Thiruvanaikovil, Trichy-5.

5.The District Revenue Officer,
Trichy.

(R5 is suo motu impleaded vide Court order dated 05.10.2023)

...Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 4 to consider the petitioner's representations dated 06.05.2022 and 17.05.2022 and grant patta to the petitioner in accordance with law.

For Petitioner : Mr.G.Balamahendran
For R1 to R3 : Mr.N.Satheeshkumar,
Additional Government Pleader
For R4 : Mr.T.Antony Arulraj

COMMON ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The relief sought for in the Writ Petitions is to direct the respondents 1 to 4 to consider the petitioners' representations dated 06.05.2022 and 17.05.2022 and grant patta to the petitioners in accordance with law.

2.Even for issuing directions to consider the representation, a person approaching the Court has to establish the right. In the absence of any establishing right, mere direction to consider the representation would do no service to the cause of justice, but the litigant will be back again before this Court by way of another representation.



3.The learned counsel for the petitioners states that the petitioners are tenants under the 4th respondent Temple and they are paying monthly lease rent.

4.Under Section 116 of the Indian Evidence Act, 1872, a tenant has to establish from denying title of the landlord under their possession. In the present case on hand, the petitioners themselves state that the 4th respondent Temple is the owner of the property and they are paying monthly lease rent to the Temple.

5.The learned counsel appearing on behalf of the 4th respondent raised an objection by stating that an error was occurred in the revenue records and to effect corrections, applications are submitted before the District Revenue Officer Trichy on 27.09.2021, which are pending. Taking undue advantage of the said situation, the petitioners are attempting to claim patta from the Tahsildar concerned.

6.We are of the considered opinion that the petitioners themselves admitted title of the 4th respondent Temple and state that they are paying lease rent. However, the learned counsel for the 4th respondent raised an objection by stating that the petitioners are defaulters in payment of lease rent and appropriate actions are initiated and due to pendency of the Writ Petitions, further action is stopped.



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7.This being the factum, the District Revenue Officer, Trichy, has been *suo motu* impleaded as one of the respondents for the purpose of considering the applications submitted by the 4th respondent dated 27.09.2021 and pass appropriate orders on merits and in accordance with law. As far as the writ petitioners / tenants are concerned, the Temple and the officials of the HR & CE Department are empowered to initiate actions under the provisions of the Tamil Nadu Hindu Religious and Charitable Endowment Act by following the procedures as contemplated. Accordingly, these Writ Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (V.L.N., J.)
05.10.2023
(2/2)

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

Yuva

To
1.The District Collector,
Trichy District,
Trichy District.



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Srirangam, Trichy District.

3.The Tahsildar,
Taluk Office,
Srirangam, Trichy District.

4.The District Revenue Officer,
Trichy.



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