



W.P.(MD)No.16008 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.16008 of 2023
and
W.M.P.(MD)No.13422 of 2023

V.Ravi

... Petitioner

VS.

1.The Executive Officer,
Arulmighu Andal Nachiyar Thirukovil,
Srivilliputhur-626 125,
Virudhunagar District.

2.The Sub Registrar,
Srivilliputhur Sub Registrar Office,
Srivilliputhur,
Virudhunagar District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records of the impugned order of the 1st respondent in Na.Ka.No.444/2022/A5, dated 04.11.2022, in respect of Old Survey No.40/4 co-related to Town Survey No.3239 (Part) at Srivilluputhur Village, Srivilliputhur Taluk, Virudhunagar District and to quash the same as illegal.

For Petitioner : Mr.G.Mohankumar
For R1 : Mr.M.Kannan
For R2 : Mr.S.P.maharajan
Special Government Pleader

ORDER

This writ petition is filed for writ of Certiorari, to quash the impugned order dated 04.11.2022 passed by the 1st respondent, in respect of Old Survey No.40/4 co-related to Town Survey No.3239 (Part) at Srivilluputhur Village, Srivilliputhur Taluk, Virudhunagar District and to



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quash the same as illegal.

2. The contention of the petitioner is that the property in Survey No.40/4 and certain other properties were considered under Madras Minor Inam Abolition Act. An enquiry under Section 11 was conducted by the Settlement Tahsildar I, Kovilpatti. After hearing the Officials of the 1st respondent Temple, the occupants thereof and the Revenue Officials the Settlement Tahsildar had passed an order, dated 13.07.1967 in proceedings No.595/Sri/66 granted Ryotwari Patta under Section 8(1) of the Act in the name of

i.Dhanvanthri Naidu, son of Muthusamy Naidu,

ii.Muthukrishnan and Rajagopal, sons of Govindasamy Naidu.

Hence, the petitioner contended that the right was conferred in favour of



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the occupants by issuing Ryotwari Patta. The first respondent Temple was not granted any rights over the properties. The first respondent has not preferred any appeal against the said Settlement Tahsildar's order and it has attained finality. Subsequently, the said land was conveyed in favour of one V.Ramaiah Nadar, son of Velayutha Nadar through registered sale deed, dated 29.08.1982 and 30.08.1982 by the wife of Danvanthiri Naidu, namely D.Saraswathi and her daughters namely, Mariammal, Usharani, Shantha and Radha and by G.Muthukrishnan and G.Rajagopal, sons of Govindasamy Naidu.

3. Thereafter, the said V.Ramaiah Nadar executed a registered Will, dated 26.11.1993 bequeathing the properties in favour of V.R.Natarajan. The said V.R.Natarajan executed a Settlement Deed, dated 24.10.2018 to



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an extent of 46.16 cents out of 3 acres in favour of his grant daughter Kanchanadevi in S.No.40/4 co-related to Town Survey No.3239.

4. The said V.R.Natarajan executed the following registered sale deeds in favour of the petitioner and his wife Jayasudha.

- i. In S.No.40/4 co-related to Town Survey No.3239 (part) on 18.02.2021 to an extent of 2.69 cents in Document No.1165 of 2021 in favour of the petitioner.
- ii. In S.No.40/4 co-related to Town Survey No.3239 (part) on 18.02.2021 to an extent of 2.69 cents in Document No.1166 of 2021 in favour of the petitioner's wife.
- iii. In S.No.40/4 co-related to Town Survey No.3239 (part) on 19.02.2021 to an extent of 2.69 cents in Document No.1185 of



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2021 in favour of the petitioner.

iv. In S.No.40/4 co-related to Town Survey No.3239 (part) on 19.02.2021 to an extent of 2.69 cents in Document No.1186 of 2021 in favour of the petitioner's wife.

5. The said Kanchandevi executed a registered Settlement Deed dated 02.08.2021 in favour of her sister Ishwarya Lakshmi in Document No.4226 of 2021 regarding 46.16 cents of 3 acres in S.No.40/4 co-related to T.S.No.3239 (part). Then the said V.R.Natarajan and Ishwarya Lakshmi had executed the following sale deeds in favour of the petitioner and his wife Jayasudha:

i. In S.No.40/4 co-related to Town Survey No.3239 (part) on 24.08.2021 to an extent of 2.69 cents in Document No.4831



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of 2021 in favour of the petitioner's wife.

ii. In S.No.40/4 co-related to Town Survey No.3239 (part) on 24.08.2021 to an extent of 2.69 cents in Document No. 4832 of 2021 in favour of the petitioner.

iii. In S.No.40/4 co-related to Town Survey No.3239 (part) on 31.08.2021 to an extent of 2.69 cents in Document No. 5008 of 2021 in favour of the petitioner's wife.

iv. In S.No.40/4 co-related to Town Survey No.3239 (part) on 31.08.2021 to an extent of 2.69 cents in Document No. 5009 of 2021 in favour of the petitioner



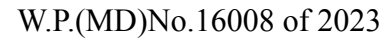
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The petitioner and his wife are claiming title over the property through the aforesaid registered sale deeds.

6. The contention of the petitioner is that the lands were endowed for Mandagapadi, which is evident from the order dated 13.07.1967 in the proceedings No.595/Sri/66. The order further states that the Mandagapadi is kept up nominally by the descendent of the grantee. Moreover the grant consists of “melwaram” and it is not “iruvaram” grant. The fair register extract filed by the Devasthanam Maniam shows that only the first crop and second crop i.e. melwaram is treated as inam. Therefore, the temple cannot claim any rights. Hence, the Settlement Tahsildar, after considering the claims of the parties has passed an order as early as 13.07.1967 itself. Without adhering to the earlier order dated



8. The Hon'ble Division Bench of this Court dealing with the



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temple encroachment cases has passed a common order directing the temple authorities to restore the temple lands in the name of the temple. By citing the said order of the Hon'ble Division Bench the respondent temple has requested the register not to register. But as on date still the order of the Settlement Tahsildar is still in force, which is not set aside as known to law. Hence, liberty is granted to the respondent temple to agitate as per law.

9. In the meanwhile, the 2nd respondent is directed to register the document. However, this registration is subject to the proceedings that may be initiated by the 1st respondent temple as per law.

10. With the above said observation, the writ petition is disposed



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of. No costs. Consequently, connected miscellaneous petition is closed.

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

07.08.2023

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To

The Sub Registrar,
Srivilliputhur Sub Registrar Office,
Srivilliputhur,
Virudhunagar District.



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S.SRIMATHY, J

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