



W.P(MD)No.14115 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14115 of 2014
and
M.P.(MD)Nos.1 and 2 of 2014

Periasamy Velar

... Petitioner

Vs.

1.The District Revenue Officer,,
Sivagangai, Sivagangai District.

2.The Revenue Divisional Offier,
Devakottai, Sivagangai District.

3.The Thasildar,
Karaikudi,
Sivagangai District.

4.KR.Sankar
S/o. Karuppaiah,
Trustee Sri Velayauthamudaiya Ayyanar Tirukovil,
Illangudi Village, Siruvaththi Group,
Devekottai Taluk, Sivagangai District.

5.The Assistant Commissioner,,
HR & CE, Paramakudi,
Ramanathapuram District.

... Respondents

(R5 is suo motu impleaded vide order dated
04.07.2023 in W.P. (MD) .14115 of 2014 by GRSJ) .



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings dated 02.07.2014 of the 1st Respondent in P.Mu.P4/25645/2010 and quash the same and consequently direct the 1st Respondent pass appropriate orders.

For Petitioner : Mr.S.Manohar

For Respondents : Mr.R.Ragavendran,
Government Advocate for R1 to R3.
Mr.S.M.Sanjay,
For M/s.E.M.S.N.Law Associates for R4.
Mr.N.Satheesh Kumar,
Addl. Government Pleader for R5.

ORDER

The petitioner challenges the impugned order passed by the District Revenue Officer, Sivagangai effecting mutation of patta in favour of Sri Velayauthamudaiya Ayyanar Temple in respect of the petition mentioned lands.

2.It is seen that the petitioner and others had filed O.S.No.87 of 2004 on the file of the District Munsif Court, Devakottai seeking the relief of permanent injunction against the trustees of the temple. The suit



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prayer was in two parts. One part pertained to the right of the plaintiffs to perform pooja. The other pertained to their right to be possession and enjoyment of the petition mentioned lands. The trial Court granted the first part of the prayer alone. Aggrieved by the non-grant of second part of the prayer, the petitioner and others filed A.S.No.85 of 2005 on the file of Sub Court, Devakottai. The trustees filed A.S.No.75 of 2005. While the petitioner's appeal suit was allowed, the trustees appeal suit was dismissed. Challenging the same, the trustees filed S.A.(MD)No.787 of 2006. They also sought interim relief. On 10.11.2006, this Court had directed the parties to maintain status quo. The status quo as regards the enjoyment of the lands as well as pooja rights was in favour of the petitioners and others / plaintiffs.

3.The question that arises for consideration is whether the mutation of patta in favour of the temple deserves to be interfered with.

4.In the impugned order itself, there is a reference to a civil proceedings. I went through the contents of the judgment of the First Appellate Court. It is mentioned therein that the land was given as inam



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by the Sivagangai samasthanam for pooja services. Therefore, neither the trustees nor the poojari can claim any individual right over the petition mentioned lands. The District Revenue Officer, Sivagangai rightly mutated the patta in favour of the temple. As regards possessory rights of the parties, it will abide by the outcome of S.A.(MD)Nos.786 and 787 of 2006. The status quo order is obviously in favour of the petitioner.

5.The impugned order is sustained. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

10.07.2023

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