



WP(MD)No.23947 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.23947 of 2023

Ashok Kumar

.. Petitioner

vs.

- 1.The District Collector,
Thanjavur,
Thanjavur District.
- 2.The District Registrar,
Office of the Registration,
Vallam Road,
Thanjavur District.
- 3.The Joint Commissioner,
HR & CE Department,
Sachithanantha Moopanar Road,
Thanjavur-613 001.
- 4.The Executive Officer,
A/M.Arasaba Vimochana Perumal Kovil,
Kandiyur,
Thiruvaiyaru,
Thanjavur District.
- 5.The Sub-Registrar Office,
Sub-Registrar Office,
Thiruvaiyaru, Thanjavur District.



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6.K.Syed Mubarak

7.The Revenue Divisional Officer,
Thanjavur.

.. Respondents

(*R7 is suo motu impleaded vide order dated 17.10.2023 in W.P(MD).No.23947 of 2023*)

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the respondents 3 and 4 to take necessary steps to restore the temple land comprised in R.S.No.21B-32 of A/M.Arasaba Vimochana Perumal Kovil situated at Kandiyur to its original position.

For Petitioner : Mr.P.Edin Brough

For Respondents : Mr.P.Subbaraj
Special Government Pleader
for R1 to R3 and R5
Mr.V.Chandrasekar for R4
Mr.S.Deenadhayalan
Standing Counsel for R6

ORDER

This Writ Petition has been filed for issuance of a writ of Mandamus, directing the respondents 3 and 4 to take necessary steps to restore the Temple land comprised in R.S.No.21B-32, Kandiyur, Thiruvaiyaru, Thanjavur District, to its original position.



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2. The learned counsel appearing for the petitioner submitted that the petitioner is the tenant in the subject property which is under the control of the fourth respondent Temple, namely, Arulmighu Arasaba Vimochana Perumal Koil, and he was inducted by one Haja Mohideen, son of Dawood Mohaideen, who is the lessee for the said Temple property. While so, the sixth respondent is claiming right over the Temple property and he had fraudulently obtained patta in his favour in respect of the subject property. Hence, the petitioner has made a representation before the respondents 1 to 5 to take appropriate steps to restore the temple land, however, no action has been taken. Therefore, the present Writ Petition has been filed.

3. The learned counsel appearing for the respondent Temple, by referring to the orders passed by the Settlement Officer in the year 1975, submitted that the subject land in R.S.No.21B-32, Kandiyur belongs to Arulmigu Arasaba Vimochana Perumal Koil, Kandiyur, for which, the learned counsel has relied on "A" Register and Temple Registers maintained by the Temple.



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4. The learned counsel appearing for the sixth respondent has filed a typed set of papers and submitted that the petitioner's vendor, namely, Haja Mohideen has obtained a patta on 05.05.1994 during Natham survey settlement, based on which, he has purchased the subject property. According to the learned counsel, revenue records have been mutated in favour of the sixth respondent's vendor and now the revenue records have been transferred in the name of the sixth respondent. The learned counsel has relied upon the revenue records, which are available with him.

5. Considering the rival submissions made, this Court, vide order, dated 17.10.2023, impleaded the Revenue Divisional Officer, Thanjavur, as a party to this Writ Petition and directed the Revenue Divisional Officer, Thanjavur, to conduct enquiry by providing an opportunity of hearing to both the parties and after perusing the revenue records, file a report before this Court on 17.11.2023. Accordingly, the Revenue Divisional Officer, Thanjavur, has filed a report dated 16.11.2023, stating that S.No.21B/2 has been sub-divided and as per the revenue records, the patta in respect of S.No.21B/32 measuring to an extent of 0.00.48 sq.ft stands in the name of Syed Mubarak, son of Mohammed Ismail. This is sub-divided as S.No.21B/32 and the land in S.No.307/13 measuring to an extent of



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0.01.0 hectare stands in the name of Arulmigu Arasaba Vimochana Perumal Koil.

According to the Revenue Divisional officer, Thanjavur, both the properties are different.

6. In view of the report filed by the Revenue Divisional Officer, Thanjavur, this Court, in the writ jurisdiction, is not inclined to conduct a detailed enquiry as to the ownership of the properties and the petitioner as well as the Temple can work out their remedy in the manner known to law.

7. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

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

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- 6.The Revenue Divisional Officer,
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B.PUGALENDHI, J.

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