



W.P(MD)No.28208 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.28208 of 2022
and
W.M.P(MD)No.22281 of 2022**

K.Murugan

... Petitioner

VS.

- 1.The District Collector,
District Collectorate,
Pudukottai.
- 2.The District Revenue Officer,
District Collectorate,
Pudukottai.
- 3.The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Pudukottai,
Pudukottai.
- 4.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thanjavur.
- 5.The Tahsildar,
Thirumayam Taluk,
Pudukottai District.



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6.The Block Development Officer,
Thirumayam Union,
Thirumayam Taluk,
Pudukottai District.

7.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Near Municipality Office,
Pudukottai District.

8.The Inspector of Temples,
O/o.The Inspector of Temples,
Hindu Religious and Charitable Endowment Department,
Thirumayam,
Pudukottai District.

9.Neivasal Village Panchayat,
Represented by its Panchayat President,
Neivasal,
Thirumayam,
Pudukottai District.

10.K.Ramaiah

... Respondents

(R – 10 is impleaded vide order dated 09.01.2023
in W.M.P(MD)No.23284 of 2022)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondent No.9 from forming up any road in the Arulmighu Sangili Karuppar Temple lands at Survey No.11/2 at Seerathakudi Village, Thirumayam Taluk, Pudukottai District.



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For Petitioner : Mr.T.Lajapathi Roy
For RR 1 to 3 : Mr.P.Thilak Kumar
Government Pleader
For RR 4, 7 & 8 : Mr.P.Subbaraj
Special Government Pleader
For R – 10 : Mr.C.R.Kasiviswanathan

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The prayer in this Writ Petition is seeking for issuance of a Writ of Mandamus, forbearing the respondent No.9 from forming up any road in the Arulmighu Sangili Karuppar Temple lands at Survey No.11/2 at Seerathakudi Village, Thirumayam Taluk, Pudukottai District.

2.According to the petitioner, the Arulmighu Sangili Karuppar Temple is situated in Survey No.17 at Seerathakudi Village, Thirumayam Taluk, Pudukottai, which is an ancient Temple. Originally, the lands in Survey No.11/2 were assigned to Azhagan, S/o.Chinnakaruppan in the year 1806 as Temple Inam and in the year 1997, the said Temple was renovated and the petitioner has been appointed as hereditary trustee to the said



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Temple and the said Temple is worshipped by the people of Adi Dravidar Community. Presently, the said Temple is under the control of the Hindu Religious and Charitable Endowment Department. While so, the ninth respondent had proposed to form a Panchayat road and the proposed road is to connect Sirathakudi to Veeramahakaliamman car street. To that extent, the Panchayat has passed the resolution. Further, according to the petitioner, the Panchayat has no authority to pass the resolution to construct the road without getting consent from the Temple. Further, the Hindu Religious and Charitable Department is the concerned authority for granting permission, if any. Therefore, the action of the Panchayat is without jurisdiction. Hence, the petitioner has filed the present Writ Petition.

3.The learned Special Government Pleader appearing for the respondents 4, 7 and 8, on instructions, submitted that, as per the revenue records, the property in question stands in the name of the Arulmighu Sangili Karuppar Temple.

4.The learned counsel appearing for the 10th respondent submitted that the land in Survey No.10 in Seerathakudi Village has been earmarked as a burial ground and the said land has been used by the



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Villagers of Seerathakudi as well as the neighbouring Village for more than 100 years. The dead bodies have been carried through mud pathway, though the adjoining land belongs to the Temple, it has been used as a pathway by the Villagers for several years without any dispute. During rainy season, it was found difficult to carry on the above activities, a representation was given to the Village President for the construction of the road in the abovesaid property. Based on the said representation, a resolution came to be passed to construct the road and the same has been agreed by the members of the Panchayat. Despite the resolution passed by the Panchayat, a few members of the abovesaid Village belonging to a certain community disagreed with the resolution passed and created a law and order problem. The petitioner is one of the members of the community sailing along with them.

5.Heard the learned counsel appearing on either side and perused the materials available on record.

6.On a perusal of the materials available on record, it is seen that the aforesaid property stands in the name of the Arulmighu Sangili Karuppar Temple. Therefore, at this stage, we are not inclined to go into the



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disputed fact and pass any order. The ninth respondent Panchayat shall not interfere with the said property for laying the road as per the resolution passed by the Panchayat. However, liberty is granted to the aggrieved party to approach the competent forum to seek relief for establishing the right on using the said property as a pathway, if he is so advised.

7. With the above liberty, this Writ Petition stands disposed of. We make it clear that the observation made in this order will not stand in the way of the authority concerned to pass any orders. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
09.01.2023
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NCC : Yes / No
Index : Yes / No
Internet : Yes
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D.KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

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ORDER MADE IN
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DATED : 09.01.2023
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