



W.P.(MD)No.28519 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.28519 of 2023 and
WMP(MD) No.24574 of 2023

Mr.A.K.Ponnusamy

... Petitioner

Vs

- 1.The Commissioner,
HR & CE Department,
Chennai.
- 2.The Joint Commissioner,
HR & CE Department,
Madurai.
- 3.The Assistant Commissioner,
HR & CE Department,
Madurai.
- 4.The Inspector,
HR & CE Department,
Madurai.
- 5.The District Collector,
Madurai.



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6.The District Revenue Officer,
Madurai.

7.The Revenue Divisional Officer,
Tirumangalam,
Madurai District.

8.The Tahsildar,
Tirumangalam,
Madurai District.

9.The Sub Registrar,
Tirumangalam,
Madurai District.

10.T.K.SP.Nagaraj Nadar

11.Murugesan @ Murugan Posari

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, directing the respondents to initiate appropriate action for proper administration of Arulmighu Periakathavarayan Temple, Vadakarai Village, Thirumangalam Taluk, Madurai District and to retrieve its lands back to temple by appointing fit person/trustees to the temple and by cancelling the revenue entries in the name of private individuals and restoring it to the name of the temple and by adopting necessary measures for the said purpose.



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For Petitioner : Mr.V.R.Shanmuganathan

For Respondents : Mr.P.Subba Raj
Special Government Pleader

ORDER

The petitioner is a devotee of Arulmighu Peria Kathavarayan Temple, Muthalamman Kovil Street, Vadakarai Village, Tirumangalam Taluk, Madurai. According to the petitioner, this temple is a public temple and his father was a Samiyadi during festival season.

The learned counsel for the petitioner submits that this temple is having certain lands as per the settlement records and the details are as under:-

N.S.No.297/1 O.S.No.605-Inam Dry – 1.88 Acres

N.S.No.297/2 O.S.No.601-Government Punjai – 0.86 Acres

N.S.No.297/3 O.S.No.600-Inam Dry – 0.42 Acres

2.Old S.No.601, New S.No.297/2 is the land, in which the temple is situated and the other lands in old S.No.605 and 600 viz., new S.Nos.297 and 297/3 measuring 1.88 acres and 0.42 acres ie., totally



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2.31 acres were granted as gift to the temple way back in 1918, vide Document No.2833/1918, a partition deed. While so, in 1959 vide Document No.927 of 1959, there was an exchange of lands between one Sadhasiva Nadar and Ganapathy Poosari of the temple. In the said document, the said Ganapathy Poosari, claiming that the lands in old S.No.600 and new S.No.297/3 measuring 0.42 acres belonged to him ancestrally had exchanged the said lands for lands in S.No.129/4 and 129/5 measuring 26 cents 42 cents i.e totally 68 cents. The poosari having alienated the temple lands have not brought 68 cents of lands to the temple back. Similarly, insofar as S.No.297/1 (Old S.No.605) is concerned, the tenth respondent had managed to enter his name as trustee of the temple. He is not a trustee either nominated or approved by the HR & CE Department. The lands in S.No.129/5 and S.No.129/4, which were exchanged for temple lands, continued to be in the name of private persons, namely Sadhasiva Nadar and M.Santhi, W/o Murugan. The petitioner after collecting the materials in this regard has made a



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complaint to the revenue officials and to the HR & CE Department officials. In response to his representation, the Tahsildar, Thirumangalam, in his letter 10/2022, dated 03.11.2022, which was addressed to RDO, Thirumangalam stating that revenue records have been mutated in favour of the tenth respondent without any documents and it is not known how he was described as trustee and patta was given to him. Further the said lands have been sub-divided in the name of various persons. The complaint made to Directorate of Vigilance and Anti Corruption was also forwarded to the Commissioner, HR & CE Department and the Commissioner has not responded to the representation and therefore, the petitioner has filed this writ petition for a Mandamus, directing the respondents to initiate appropriate action for proper administration of the subject temple and to retrieve its lands back to temple by appointing a fit person/trustees to the temple and by cancelling revenue entries in the name of private individuals and restoring it to be name of the temple.



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3.Mr.P.Subba Raj, learned Special Government Pleader takes notice for the respondents and produces a written instruction, which he has received from the Assistant Commissioner, HR & CE Department, Madurai and submits that an action has already been taken on the petitioner's representation; enquiry was conducted on 06.11.2023; the enquiry is posted to 18.12.2023 for further hearing. The materials, which he collected *prima facie* reveals that there are some misappropriation in the administration of the temple by the previous trustees and they are intending to take appropriate steps by appointing a fit person.

4.Recording the submission made by the learned Special Government Pleader that the enquiry has already been conducted and it is posted to 18.12.2023 for further hearing, this writ petition is disposed of with a direction to the Assistant Commissioner, HR & CE



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Department to conclude the proceedings within a period of four weeks from the date of receipt of a copy of this order and to take necessary action in accordance with law by appointing a fit person and shall ensure to restore the lands to its original position within a period of six months. The revenue officials are expected to co-operate with the HR & CE Department in restoration of the lands. No costs. Consequently, connected Miscellaneous Petition is closed.

04.12.2023

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