



WP(MD)No.31024 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.31024 of 2023
and W.M.P(MD).Nos.26598 and 26600 of 2023

C.L.Saravanan

.. Petitioner

vs.

1.The District Revenue Officer,
O/o.District Revenue Officer,
Madurai.

2.The Deputy Commissioner/Executive Officer (HR & CE),
Arulmigu Subramaniaswami Temple,
Thirupparankundram,
Madurai-5.

3.The Deputy Registrar (Administrator),
Madurai South,
Madurai.

4.The Sub-Registrar,
O/o.Sub-Registrar IV,
Joint Sub-Registrar,
Madurai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned communication of the second respondent along with



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the Schedule in Na.Ka.No.1324/95/E1 dated 19.11.2011 and to quash the same insofar as the petitioner's property in S.No.257/1 of Avaniapuram Village, South Taluk, Madurai District, as found in Serial No.6 in Column No.5 and consequentially direct the fourth respondent to change the classification of the said property as the petitioner's Patta Land.

For Petitioner : Mr.C.M.Arumugam

For Respondents : Mr.M.Ramesh
Government Advocate
for RR1, 3 and 4
Mr.S.Manohar for R2

ORDER

This Writ Petition has been filed challenging the impugned communication issued by the second respondent dated 19.11.2011, declaring that the properties mentioned in the Schedule attached with the Communication belongs to Arulmigu Subramaniasamy Temple.

2. The learned counsel appearing for the petitioner submits that the petitioner is the owner of the property in Survey No.257/1, Avaniapuram Village, South Taluk of Madurai District and he is having title documents. However, the second respondent has wrongly added the petitioner's patta land as the property of



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the Temple in the impugned communication dated 19.11.2011, against which, the present Writ Petition has been filed.

3. Mr.M.Ramesh, the learned Government Advocate takes notice for the respondents 1, 3 and 4 and Mr.S.Manohar, the learned counsel takes notice for the second respondent.

4. The order impugned in this Writ Petition is only a communication issued by the second respondent to the fourth respondent, viz., the Sub-Registrar, Madurai, not to register any document on the Temple properties mentioned therein. Though the petitioner claims that he is the owner of the property in Survey No.257/1 and is having title documents, however, the subject property was wrongly included in the impugned communication as if it belongs to the Temple, this Court, in the writ jurisdiction, cannot conduct trial to ascertain the fact whether the subject property belongs to the petitioner or not. However, the petitioner is at liberty to approach the second respondent by submitting a representation along with the relevant documents, if any, within a period of four weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent shall conduct enquiry, verify the documents produced by the



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petitioner with the Registers and take a decision in accordance with law, after providing an opportunity of hearing to the petitioner, within a period of 12 weeks thereafter.

5. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petitions are closed.

22.12.2023

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

To

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Madurai.
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Thirupparankundram,
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4. The Sub-Registrar,
O/o. Sub-Registrar IV,
Joint Sub-Registrar,
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B.PUGALENDHI, J.

ssb

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