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W.P.No.27248 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03..04..2024
Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.27248 of 2013

S.S.Venkataraman

..... Petitioner

-Versus-

1.The Tahsildar,
Gobi Taluk,
Erode District.

2.The District Revenue Officer,
Erode District,
Collectorate,
Erode – 638 011.

3.Palanisamy Gounder

4.V.V.Jagadeesan

5.K.R.Subbu Gounder

6.Dr.Sivakumar

7.A.S.Udayakumar

8.L.Ramasamy

9.Godathandasami

10.Venkatachalamurthy

11.Gurusamy

12.Ramasamy

13.Sambasivam

[Respondents 3 to 13 were impleaded as per order dated



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26.09.2023 made in W.M.P.NO.3204 of 2020 in
W.P.No.27248 of 2013]

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14.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Erode.

15.The Fit Person,
Arulmighu Sanjeevaraya Perumal Temple,
Perumugai, Gopichettipalayam Taluk,
Erode.

[Respondents 14 & 15 are impleaded suo motu by the order
of this court made today (03.04.2024) in W.PNO.27248 of
2013]

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to
issue a Writ of Certiorari calling for the records relating to the order made in
M.P.14818/2023/22 dated 30.08.2023 on the file of the 2nd respondent - District
Revenue Officer, Erode District and to quash the same.

For Petitioner : Mr.C.Munusamy

For Respondent (s) : Mr.P.Sathish, AGP for RR1 & 2

*Mr.K.Karthikeyan, GA (HR &
CE) for RR 14 & 15*

Mr.S.A.Shanmugham for R4

No Appearance for RR5 to 13

R3 reported dead



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ORDER

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This writ petition has been filed challenging the order of the 2nd respondent made in P.P.14818/2023/2 dated 30.08.2023.

2. It is the case of the petitioner that he was doing services to the temple called “ Arulmighu Sanjeevaraya Perumal Temple” at Perumugai Village in Gopichettipalayam Taluk, Erode District. He was in possession and enjoyment of a piece of land in S.No.618/1 at Perumugai Village. The said land was originally belonged to one A.N.R. Masa Gounder and A.RS. Sachithanantham. The said land was handed over to the petitioner by way of trust deed for the purpose of performing religious ceremonies and to perform the other day-to-day affairs of the temple. While so, in 2010, some persons claiming themselves to be the members of the administrative committee of the temple got transferred the patta in their name. Though he made a representation in this regard, the same was rejected. It is the said order of rejection now put under challenge in the present writ petition.

3. A counter affidavit has been filed by the 1st respondent inter alia contending that the land in question not belonged to the temple and that the petitioner does not have any right over the land in question.

4. Heard both sides.

5. The learned counsel for the petitioner submitted that in the counter



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affidavit certain facts have been pleaded which are not correct. According to the learned counsel, the land is actually vested with the temple.

6. Mr.P.Sathish, learned Additional Government Pleader, opened his argument saying that the Assistant Commissioner, HR & CE Department, Erode and the fit person of the Temple have not been made as party respondents and therefore, he urged this court that they may be suo motu impleaded as party respondents to the writ petition.

7. Considering the issue involved in the writ petition and the submission made by learned Additional Government, the Assistant Commissioner, HR & CE Department, Erode and the Fit Person of Arulmighu Sanjeevaraya Perumal Temple, Perumugai, Gopichettipalayam Taluk, Erode, are impleaded as party respondents.

8. The learned Government Advocate who was present in the court on taking notice on behalf of the 14th respondent (HR & CE Department), fairly submitted that the land is not the temple land.

9. The learned counsel for the 4th respondent also not disputed the above said fact.

10. The averments in the writ petition would themselves indicate that (i) the petitioner was a poojari of the temple and in other words service-holder; (ii) the possession of land in question was handed over to him by way of trust deed



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only for the purpose of performing religious ceremonies; the property was originally endowed to the temple for a valid purpose.

11. In such view of the matter, when it is not in dispute before this court that the temple and the land in question are under the control of HR & CE, no individual member is entitled to seek patta. Therefore, finding no merits, this court is inclined to dismiss the writ petition, however, with a direction to the authority concerned under the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1951 to decide in the event of any application for trusteeship for the administration of the temple is made in accordance with law and pass appropriate order thereof.

In the result, the writ petition is dismissed, however, with the above directions. No costs.

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

03..04..2024

Note: The Registry is directed to carry out amendment in the writ petition.



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To

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Department, Erode.

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Erode District.

2.The District Revenue Officer, Erode District, Collectorate, Erode – 638 011.

15.The Fit Person, Arulmighu Sanjeevaraya Perumal Temple, Perumugai,
Gopichettipalayam Taluk, Erode.



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