



W.P.No.17962 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.17962 of 2018
and
W.M.P.No.21251 of 2018

A.Selvaraj

... Petitioner

Vs.

- 1.The District Revenue Officer,
Tiruppur.
- 2.The Tahsildar,
Udumalpet,
Tiruppur District.
- 3.S.Renganathan
- 4.S.Gopalakrishnan
- 5.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Chennai.



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6. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tiruppur.

... Respondents

(R5 and R6 are impleaded as per order dated
15.07.2024 in WMP.No.20629 of 2024
in W.P.No.17962 of 2018).

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records of the 1st respondent in Na.Ka.No.898/2018/J1 dated 09.02.2018 and quash the same as illegal and direct the 1st respondent to conduct a fresh enquiry by giving opportunity of hearing to the petitioner representing the villagers of the Kottamnagalam Village in Udumalpet Taluk and also by giving notice to the administrators of the Karuvandarayan Temple situated in S.F.No.257-P, in Kottamnagalam Village.

For Petitioner : Mr.M.Purushothaman

For Respondents : Mr.K.Suresh
Government Advocate
for R1 and R2
Mr.S.P.Vijayaragavan
for R3 and R4
Mr.S.Ravichandran
for R5 and R6



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ORDER

This Writ Petition has been filed seeking for issuance of a certiorari, to call for the records of the 1st respondent in Na.Ka.No.898/2018/J1 dated 09.02.2018 and quash the same as illegal and direct the 1st respondent to conduct a fresh enquiry by giving opportunity of hearing to the petitioner representing the villagers of the Kottamnagalam Village in Udumalpet Taluk and also by giving notice to the administrators of the Karuvandarayan Temple situated in S.F.No.257-P, in Kottamngalam Village.

2. The case of the petitioner is that the petitioner is one of the member of the Administrative Committee of the Arulmigu Karuvandrayan Temple situated in S.F.No.257/P, in Kottamangalam Village in Udumalpet Taluk. The said temple belongs to the members of Uppilya Naicker Community. There are about 200 residents belonging to the said Uppilya Naicker Community in the said village. For all of them, the said Karuvandarayan deity is the clan deity. The land in S.F.No.257/P belongs to the said Kruvandarayan Temple. In the year 1984, Patta and Chitta are all issued in the name of the said Karuvandrayan Temple. From time to time, the Adangal had been issued in the name of then



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managing trustees/administrators on behalf of the temple. So far no one had claimed rights over the temple properties.

3. In the meantime, one Ranganathan/third respondent who is the son of Sinivasan had tried to obstruct and prevent the people belong to the Uppiliyanaicken community in village from worshipping the temple and also prevented from performing rituals for the said temple. In order to prevent the said Ranganathan/third respondent who is the member of the Uppiliya Naikcen community have filed a suit for permanent injunction in O.S.No.80 of 2018. After filing of the suit, the petitioner and the villagers came to know about the impugned order passed by the first respondent in his proceeding No.Na.Ka.898/2018/J1 dated 09.02.2018. The impugned order is stated to have been passed on an application dated 09.01.2018 submitted by the said S.Ranganathan/third respondent and S.Gopalakrishnan/fourth respondent to change the patta which stands in the name of 'Karuvandarayan Temple' and to issue patta in their names for the land in S.F.No.257-P in Kottamnaglam Village.



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4. In the proceedings of the first respondent in the impugned order the lands originally settled by their grandfather in the name of their mother Andalammal by a registered deed in Document No.2502/1947 on the file of Sub-Registrar, Dharapuram on 20.10.1947. It is also admitted by the 1st respondent in his impugned proceedings that all revenue records including 'A-Register, Chitta Adangal stands in the name of 'Karuvandarayan Temple'.

5. In spite of the same, the first respondent had without issuing notice to the villagers or the Temple or causing any paper publication within a period of 30 days from the date of application had passed the impugned proceedings to alter the name of the patta holders from the said temple to that of the private applicants.

6. In the impugned order, it is stated that notice was issued to the Hindu religious & Charitable Endowments Department and Pollachi Revenue Inspector and there was response from them. Hence, the writ petition.

7. Heard the learned counsel for the petitioner and the learned counsel for the respondents.



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8. Learned counsel appearing for the petitioner would submit that the proceeding had been passed by the first respondent without giving due notice and opportunity to the petitioner.

9. In view of the above submission, the order passed by the first respondent vide Proceeding No.Na.Ka.898/2018/J1 dated 09.02.2018 is hereby set aside and the matter is remitted back to the first respondent for a fresh enquiry.

10. The first respondent is directed to conduct a detailed inquiry after giving notice to both parties, opportunity of personal hearing, to consider the documents submitted by both parties, on merits, in accordance with law and pass appropriate orders by following the above principles of natural justice, within a period of three months from the date of receipt of a copy of this order.



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11. This writ petition is disposed of with the above observations. No costs. Consequently, connected writ miscellaneous petition is closed.

15.07.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No
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