



W.P.No.36738 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.12.2024

CORAM:

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.36738 of 2024

Sri Vinayagar Kovil & Sri Maariamman Temple
Represented by
K.Sreenivasan
Secretary,
Maariamman Kovil Street,
Naalipalayam,
Namakkal District.

... Petitioner

Vs

The Tahsildar,
Namakkal.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent to strike-off the entry as prohibited land in Patta No.18, within the time stipulated by this Court.

For Petitioner : Mr.S.Sheik Ismail
For Respondent : Mr.A.Selvendran
Special Government Pleader



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ORDER

The above writ petition has been filed for the following relief:

“To issue a Writ of Mandamus, to direct the respondent to strike-off the entry as prohibited land in Patta No.18, within the time stipulated by this Court.”

2. The petitioner seeks a mandamus to the respondent to strike-off the entry as prohibited land in Patta No.18. The subject land was purchased in the name of the temple on 02.07.1946 since the temple has been an absolute possession and enjoyment of the property and Patta No.18 has been granted in favour of the temple. The temple has been running by the Trust and it is a private Trust. However, the patta has been reclassified as Temple land prohibited.

3. The said entry has been made without any enquiry and without any basis and therefore, the petitioner is before this Court challenging



the same.

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4. A perusal of the A-Register would show that the property is in the occupation of Arulmighu Sri Maariamman Kovil. However, in the patta, in remarks column, it has been stated that it is temple land and encumbrance is prohibited. The said entry has been made, therefore, the petitioner is before this Court.

5. Heard the learned counsels on either side.

6. Admittedly, entry has been made without prior notice to the temple in whose name patta stood. Considering the fact that the order of the respondent is a non-speaking one, the same is set aside. The writ petition is allowed and the matter is remitted back to the respondent for fresh disposal. The respondent is directed to consider the petitioner's objections and pass orders regarding the entry to be made in Patta No.18. This exercise shall be concluded within a period of one month.



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There shall be no order as to costs.

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Index: Yes/No
Speaking order/non-speaking order
Neutral Citation Case: Yes/No
ssn

To

The Tahsildar,
Namakkal.



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P.T.ASHA, J.,

ssn

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