



W.P.No.32738 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.32738 of 2024

Nagalingam

... Petitioner

Vs.

1.Revenue Divisional Officer
Coimbatore South,
Coimbatore 641018

2.The Tahsildar
Mathukarai Taluk,
Coimbatore 641032

3.Arulmigu Veereshwara Swami Temple
Rep. by Its Authorized Representative,
Othakalmandapam, Madkkarai Taluk
Coimbatore 641 110.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, Directing the 2nd Respondent to remove the name of 3rd respondent in the patta for the subject matter properties and issue individual patta in petitioner's and his mother's name, Mrs.Rajamani, by considering his representation dated 01.03.2024.

For Petitioner : M/s.S.Lakshmi Narayanan

For Respondents : M/s.A.Selvendran, Spl. GP.
for R1 & R2.



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ORDER

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The writ petition is filed to direct the 2nd Respondent to remove the name of 3rd respondent in the patta for the subject matter properties and issue individual patta in the name of the petitioner and his mother, Mrs.Rajamani, by considering his representation dated 01.03.2024.

2. It is the contention of the petitioner that a ryotwari patta, in respect of an extent of 23.53 acres of lands situate in various survey numbers of Othakalmandapan Village, Madhukarai Taluk, Coimbatore District, under Section 8(2)(ii) of the Madras Minor Inams (Abolition and Conversion into Ryotwari) Act, was issued in favour of the 3rd respondent temple represented by the petitioner's great grandfather/temple pujari, Mr.Samy Ayyar, by order of the Settlement Tahsildar-II, Gobichettipalayam in S.R.No.50/MIAct/CoimbatoreTaluk/67 dated 02.05.1967. The properties were being maintained and enjoyed by the petitioner's great grandfather, Mr.Ayyaswamy Iyer and his grandfather, Mr.Swamy Iyer and thereafter by his descendants for over 150 years uninterruptedly. Considering the role played by them as the priest of the 3rd respondent temple, a patta has been issued in the name of the petitioner's grandfather.



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3. It is his further contention of the petitioner that his grandfather had filed an application under Section 84 of the Madras Hindu Religious Endowments Act, 1926 in O.A.No.265 of 1942 to declare the 3rd respondent temple as an exempted temple as defined in Section 9(5) of the Madras Hindu Religious Endowments Act, 1926. By order dated 16.02.1943, it was specifically held by the Board of Commissioners that the temple Committee had never exercised any jurisdiction over the 3rd respondent temple and the board declared the 3rd respondent temple to be an exempted temple. In the year 2005, an individual patta, in respect of the subject property was issued in favour of the petitioner's grandfather Mr.Swami Iyer. The petitioner's grandfather, Mr.Swami Iyear and father, Eswaran were in absolute possession and enjoyment of the subject properties. The petitioner's father had passed away on 02.06.2005 and his grandfather had passed away on 13.02.2010. After their deaths, the petitioner and his mother became their legal heirs, as his brother died issue less as a bachelor on 28.01.2016. The petitioner had also constructed a house and a well on the subject property and has been using the said property for agricultural purposes. While so, without notice, the patta was



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transferred from the petitioner's grandfather's name to the Hindu Religious & Charitable Endowments Department, Coimbatore. No opportunity had been afforded to the petitioner before the patta was transferred. Therefore, the petitioner had given a written representation dated 01.03.2023 which has not been considered to date. Therefore, the petitioner is before this Court.

4. Heard the counsels on either side.

5. From the averments stated above, it is seen that the patta has stood in the name of the petitioner's predecessors in title for the very long time and without notice to the patta holders the impugned order has been passed transferring the patta standing in the name of the petitioner's grand father to the Hindu Religious & Charitable Endowments Department, Coimbatore. The same has been challenged by the representation dated 01.03.2024 and to date admittedly no action on the said representation has taken place.

6. Considering the above, the writ petition is allowed. A mandamus is issued to the 2nd respondent to consider the representation of the



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petitioner dated 01.03.2024 and after affording an opportunity to the parties pass orders thereon within a period of 6 weeks from the date of receipt of a copy of this order. No costs.

08.11.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

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P.T. ASHA. J.,

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