



W.P.No.168 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.168 of 2024

and

W.M.P.Nos.181, 182 and 184 of 2024

- 1.C.Maniraj
- 2.Balamurugan
- 3.Dhandapani
- 4.Sathiyamoorthy
- 5.Mohammed Arif
- 6.Palanivel
- 7.Samsudeen
- 8.Saravanan
- 9.Kannaiyan
- 10.Ranjitham
- 11.Rajesh
- 12.Kesavan

... Petitioners

versus

- 1.The District Revenue Officer,
Kallakurichi District,
Kallakurichi.
- 2.The Revenue Divisional Officer,
Thirukoilur,
Kallakurichi District.



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3.The Tahsildar,
Ulundurpet Taluk,
Ulundurpet,
Kallakurichi District.

4.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Kallakurichi,
Kallakurichi District.

5.The Inspector/Thakkar,
Hindu Religious and Charitable Endowments Department,
Arulmigu Amaichaar Temple,
U.Keeranur, Ulundurpet Taluk,
Kallakurichi District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari, calling for the entire records relating to the order dated 30.06.2023 made in Pa.Mu.Aa3/37707/2023 on the file of the first respondent herein and quash the same.

For Petitioners : Mr.C.Munusamy

For Respondents : Mrs.V.Yamunadevi
Special Government Pleader
for R1 to R3

Mr.K.Karthikeyan
Government Advocate (HR & CE)
for R4 and R5



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in possession and enjoyment of the petitioners with the temple land and the same was rejected by the second respondent on 14.03.2023. Challenging the same, the fourth respondent filed an appeal before the first respondent. The first respondent without issuing notice to the petitioners passed the impugned order declaring that the entire land comprised in S.No.500/1 belongs to the temple. Pursuant to the said order, the fifth respondent vide his proceedings dated 11.08.2023 is taking action to evict the petitioners from the subject land. Hence, the present Writ Petition has been filed.

4. The learned counsel for the petitioner submitted that the first respondent without issuing notice and giving due opportunity of hearing to the petitioners and without taking note of the report of the third respondent, passed the impugned order and hence, the same is liable to be set aside.

5. Admittedly, the subject land is a Natham land and a temple viz., Amaichaar Amman Koil is existing in the said land. Relevant portion of the report of the third respondent, which is extracted in the order of the second respondent dated 14.03.2023 is to the effect that the said temple has

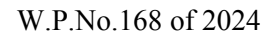


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possessed only 00128 sq.mt in S.No.500/1 and the same was registered in the Natham Adangal and other village records. Further, respondents 4 and 5 have not produced any documents to show that S.No.500/1 measuring an extent of 00480 sq.mt is a temple property.

6. On a perusal of the impugned order, it is seen that notice was not issued to the writ petitioners and other persons, who are in possession of subject land, and also it is seen that the copy of the impugned order was communicated to respondents 1 to 5 only and there is no materials to show that the petitioners or villagers or the persons, those who are in possession of the subject land were issued with notice. Therefore, this Court finds that the first respondent without giving notice to the petitioners or conducting any enquiry and without even taking note of the report of the third respondent, passed the impugned order. Hence, the impugned order passed by the first respondent is liable to be set aside and subsequent notice issued by the fifth respondent to the petitioners is also liable to be set aside.

7. Accordingly, this writ petition is allowed by setting aside



However, the first respondent is directed to issue notice to the petitioners and others, those who are in possession of the subject land, as well as respondents 4 and 5 herein and objectors/rival claimants/interested parties if any as the case may be, and after conducting enquiry in the manner known to law, pass appropriate orders on merits and in accordance with law. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected W.M.P.Nos.182 and 184 of 2024 are closed.

7. W.M.P.No.181 of 2024 is ordered on payment of Single Court fees by the petitioners.

08.01.2024

Index: Yes/No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No
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To

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Kallakurichi District,
Kallakurichi.
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Pg.Nos.7/8



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