



WP(MD)No.4492 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 23.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP (MD) No.4492 of 2021
and
WMP (MD) No.3606 of 2021

T.Maruthamuthu

... Petitioner

Vs

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Joint Commissioner,
Hindu Religious and
Charitable Endowments Department,
Dindigul.
- 3.The Revenue Divisional Officer,
Palani.
- 4.The Assistant Commissioner,
Hindu Religious and
Charitable Endowments Department,
Dindigul.
- 5.The Tahsildar,
Kujiliamparai Taluk,
Dindigul District.
- 6.The President,
Kottanatham Village Panchayat,
Kujiliamparai Taluk,
Dindigul District.

7.S.Maruthamuthu



WP(MD)No.4492 of 2021

8.Murugesan

9.Chinnakalai

10.Kalimuthu

11.Chellamuthu

12.Kaipayan @ Veerappan

13.Selvarani

14.Arulmigu Sri Ottalamman Temple,
Servaikaranpatti, Kottanatham Village,
represented by the Inspector,
Hindu Religious and
Charitable Endowments Department,
Kujiliamparai Taluk,
Dindigul District.

... Respondents

[R-3 amended vide order dated
21.02.2023 and R-14 impleaded vide
order dated 12.12.2022 in
WMP (MD) No.21933 of 2022]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents 1 to 6 to retrieve back the inam lands belongs to the temple namely Sri Arulmigu Ottalamman Comprised in S.No. 491/1 at Servaikaranpatti, Kottanatham Village, Kujiliamparai Taluk, Dindigul District from the hands of respondents 7 to 13 and maintain the same as encroachment free.



WP(MD)No.4492 of 2021

For Petitioner : Mr.S.Balamurugan
For Respondent : Mr.P.Subbaraj
Nos.1 to 6 Special Govt.Pleader
For Respondent : Mr.MP.Senthil
Nos.7 to 9
For Respondent : Mr.S.Madhavan
No.10
For Respondent : Mr.Karthikeya Venkitachalam
No.11
For Respondent : No appearance
Nos.12 and 13

ORDER

The petitioner with a grievance that the 11th respondent and others have encroached the temple property has filed this writ petition for a writ of mandamus directing the respondents 1 to 6 to retrieve the land belonging to Arulmigu Ottalamman temple Comprised in S.No.491/1 at Servaikaranpatti, Kottanatham Village, Kujiliamparai Taluk, Dindigul District.

2.The learned Counsel appearing for the contesting 11th respondent submits that they are the



WP(MD)No.4492 of 2021

poosaris of the temple and this land was gifted by their forefathers. They are doing service to the temple as poosaris, they were permitted to stay in the temple property. They have now put up a construction with the permission of the temple and they are residing in the temple. In order to harass this respondent, the petitioner has filed this writ petition.

3.The learned Counsel for the respondent temple submits that this petitioner changed the patta in their individual names and therefore, an appeal has been filed before the RDO, Palani and the same is pending before the RDO. He further submits that the Executive Officer has also recommended to initiate action under Section 78 of the Hindu Religious and Charitable Endowments Act and the same is pending before the Joint Commissioner.

4.This Court considered the rival submissions and perused the materials placed on record.



WP(MD)No.4492 of 2021

5.The Executive Officer has taken a specific stand that they have initiated action as against the change of patta in the individual name and the same is pending before the RDO, Palani.

6.The 3rd respondent RDO shall find out whether he is having powers to deal with the appeal and if not, he shall refer the same to the DRO concerned, within a period of two weeks from the date of receipt of a copy of this order and the DRO shall conduct an enquiry and pass orders within a period of six months therefrom.

7.The Fit Person of the temple is also directed to conduct an enquiry by providing an opportunity of hearing to the 11th respondent before taking any decision under Section 78 of the Act and shall take further course of action on the outcome of the proceedings pending with the Revenue Department.



WP(MD)No.4492 of 2021

8.This writ petition is disposed of in the above terms. No costs. Consequently connected miscellaneous petition is closed.

23.02.2024

Internet : Yes / No

DSK

To

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- 5.The Tahsildar,
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- 6.The President,
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Dindigul District.



WP(MD)No.4492 of 2021

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7.The Inspector,
Arulmigu Sri Ottalamman Temple,
Servaikaranpatti, Kottanatham Village,
Hindu Religious and
Charitable Endowments Department,
Kujiliamparai Taluk,
Dindigul District.



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WP(MD)No.4492 of 2021

B. PUGALENDHI , J .

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WP (MD) No . 4492 of 2021

23.02.2024