



W.P.(MD) No.12160 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.12160 of 2024
and
W.M.P.(MD) Nos.10785 & 10788 of 2024**

Sagadevan Ramasamy

... Petitioner

Vs.

1.The Tahsildar,
Thirupathur Taluk,
Sivagangai District.

2.The President,
Kottakudi Panchayat,
Keelakottai, Sivagangai – 630 313.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Sivagangai District.

4.P.R.Subramanian

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for records relating to the impugned order passed by the 1st respondent in his proceedings in



W.P.(MD) No.12160 of 2024

Na.Ka.A5/2946/2023 dated 07.09.2023 and quash the same and consequently, directing the 3rd respondent to protect the lands in S.No.87/1A, 87/1B and 87/2 situated in Kulavanenthal hamlet, Perichikoil revenue village, Thirupathoor Taluk and Sivagangai.

For petitioner : Mr.S.Selva Aditya

For respondents : Mr.P.Subbaraj
Special Government Pleader for R1 & R3
Mr.V.Nirmal Kumar
Government Advocate for R2

ORDER

The petitioner claims that the petitioner's grandfather was a Hereditary Trustee of Dharman Temple and that the father of the private respondent no.4 namely, Perumal Asari had obtained Ryotwari patta in the year 1951 suppressing the material of facts before the temple authorities, though the petitioner's grandfather and his brother were Hereditary Trustee.

2. It is submitted that the fourth respondent's father has also secured an *ex-parte* decree from the Civil Court for specific performance, pursuant to which, a sale deed had also been executed in favour of the father of the fourth respondent.



W.P.(MD) No.12160 of 2024

The land in question continues to be in possession of the petitioner and it is the duty of the TNHR&CE Department to protect the temple from the fourth respondent.

3. It is submitted that the patta has been mutated in favour of the fourth respondent and therefore, the petitioner made an application, which has been rejected by the first respondent *vide* impugned order dated 07.09.2023 in his proceedings bearing reference Na.Ka.A5/2946/2023.

4. The Writ Petition is disposed of at the time of admission by giving liberty to the petitioner went out his grievances against the fourth respondent to set aside the so called sale, which is supposed to be taken place long before in the manner known to law. Pending such exercise, this Court cannot direct the first respondent to alter the patta based on the rights, which the petitioner is now claiming as a Hereditary Trustee.

5. In any event, it involves several disputed question of facts, which cannot be decided in this proceedings. Therefore, a liberty is given to the petitioner to



W.P.(MD) No.12160 of 2024

work out his remedy before the Civil Court in the manner known to law.

6. The TNHR&CE Department is directed to verify, independently, as to whether the temple land has been wrongly used by the fourth respondent alongwith his father by securing Ryotwari patta under the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948.

This Writ Petitioner is disposed of, with above directions. No costs.

Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes / No
apd

11.06.2024

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4/6



W.P.(MD) No.12160 of 2024

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W.P.(MD) No.12160 of 2024

C.SARAVANAN, J.

apd

W.P.(MD) No.12160 of 2024

11.06.2024