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W.P.(MD)NO.8226 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8226 of 2024 AND

W.M.P.(MD)No.7432 of 2024

Angamuthu

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram.

2. The District Revenue Officer,
Ramanathapuram.

3. The Revenue Divisional Officer,
Ramanathapuram.

4. The Tahsildar,
Thiruvadanai.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the fourth respondent in Na.Ka.P4/3128/2023 dated 14.09.2023 and quash the same as illegal and thereby directing the respondents to grant patta to the extent of 2 ½ acre in the name of the temple to the land in S.F.No.229/7 situated in Veerasingamadam Village, Thiruvadanai Taluk, Ramanathapuram.

For Petitioner : M/s.J.Madhu

For Respondents : Mr.P.Thambi Durai,
Government Advocate.

* * *

**ORDER**

Heard both sides.

2. The petitioner applied for issuance of patta in the name of the petition mentioned temple. The petitioner's request was rejected by the Tahsildar, Thiruvadanai vide proceedings dated 14.09.2023 on the ground that in UDR “A” Register, the land has been classified as “Muthuramalingapattinam Oorani. Challenging the said rejection order, the present writ petition came to be filed.

3. When the matter was taken up for hearing, the learned counsel appearing for the petitioner produced a copy of the decree dated 22.06.2009 in O.S.No.7 of 2009 on the file of the District Munsif, Thiruvadanai. It is seen therefrom that survey No.229/7 Veerasingamadam has been declared as belonging to the petitioner / temple. The revenue authority does not appear to have filed any appeal challenging the said decree. When the civil Court decree has become final, the revenue authority is obliged to act in accordance with the same. The District Collector, Ramanathapuram and the Tahsildar, Thiruvadanai



have been shown as defendants in the suit.

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4. In this view of the matter, the impugned proceedings are set aside. The fourth respondent is directed to grant patta as sought for by the writ petitioner. However, the writ petitioner is restrained from putting up any construction in the petition mentioned land. The temple of course can very well exist. It can even be renovated and repaired. But then, no new construction shall be put up in the petition mentioned survey No.229/7. This writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petition closed.

02.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN,J.

PMU

To:

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Ramanathapuram.
2. The District Revenue Officer,
Ramanathapuram.
3. The Revenue Divisional Officer,
Ramanathapuram.
4. The Tahsildar,
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