



W.P(MD)No.16173 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16173 of 2020

and

W.M.P(MD)No.13541 of 2020

Selvaraj

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Madurai.

2.The Special Officer /
District Revenue Officer (Temple Land),
Ellis Nagar,
Madurai – 16.

3.The President,
Arulmigu Ayyanar Temple,
Usilampatti,
Madurai North Taluk,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorari, to call for the records

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pertaining to impugned order issued by the second respondent in Na.Ka.No.A/93/2019 dated 05.03.2020 and quash the same.

For Petitioner : Mr.S.A.Ajmalkhan

For Respondents : Mr.B.Saravanan
Additional Government Pleader
for R.1 & R.2

No Appearance for R.3

ORDER

Heard both sides.

2. There is contest between the petitioner on the one hand and the third respondent temple on the other.

3. When the matter was taken up for hearing, the learned Additional Government Pleader appearing for the HR&CE Department produced copy of the settlement patta issued in favour of the petitioner way back on 03.10.1966. The settlement patta order has an element of finality attachment to it. That means the revenue authority cannot act contra. But that will not take away the right of the aggrieved party to move the



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jurisdictional civil Court for appropriate relief. The preexisting rights of the parties are not extinguished. It is always open to the jurisdictional civil Court to give an appropriate declaration if the writ petitioner makes out a case.

4. Granting liberty to the writ petitioner to move the jurisdictional civil Court, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

22.01.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

1. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Madurai.

2. The Special Officer /
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Madurai – 16.

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G.R.SWAMINATHAN, J.

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