



W.P.(MD) No.16684 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.16684 of 2024

M.Syed Mubarak.

... Petitioner

Vs.

1.The Joint Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Thanjavur.

2.The Special Tahsildar,  
(Temple Lands),  
Hindu Religious and Charitable Endowments Department,  
Thanjavur.

3.The Revenue Divisional Officer,  
Thiruvaiyaru Taluk,  
Thanjavur.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the 2<sup>nd</sup> respondent herein to issue orders as per the inquiry conducted on 26.07.2023 at the petitioner's property situated in R.S.No.21B/32, Patta No.578 (old Survey No.21B/2), Kandiyur Madras RCC Building, Thiruvayur Taluk, Thanjavur, as per the 1<sup>st</sup> respondent proceedings in Na.Ka.No.2040/2023/Aa3 dated 24.07.2023.

|                |                                                |
|----------------|------------------------------------------------|
| For petitioner | : Mr.B.Sargunam                                |
| For respondent | : Mr.P.Subbaraj,<br>Special Government Pleader |



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**ORDER**

Heard learned counsel for the petitioner and learned Special Government Pleader for the respondent.

2. The petitioner appears to have purchased the property on 03.02.2023 from one H.Habibu Ammal, *vide* Doc.No.235 of 2023, registered in the O/o.the Sub Registrar, Thiruvaiyaru.

3. It appears that pursuant to the directions of the first respondent to the second respondents, caused inquiry, but has not passed any order.

4. At this juncture, the learned counsel for the Arulmigu Harasabha Vimochana Perumal Temple submits that the subject land is a Temple land.

5. It appears that one Ashok had initiated the proceedings before the first respondent, pursuant to which, the first respondent had directed the second respondent to ascertain the details of the property in R.S.No.21B/32, Patta No.578 (old Survey No.21B/2), Kandiyur Madras RCC Building, Thiruvayur Taluk,



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6. The prayer of the petitioner for declaring the title over the said property cannot be granted as it is not in the jurisdiction of the second respondent to declare the ownership of the property.

7. It appears that the said Temple is claiming the ownership over the property which the petitioner has purchased from the said H.Habibu Ammal, who was reportedly a tenant of the said Temple. Hence, there is no merits in the present Writ Petition.

8. Considering the same, there cannot be a positive direction as prayed for. However, it is open for the petitioner to file a suit to declare his title over the said property before the competent Court by impleading the seller namely, H.Habibu Ammal as also the said Temple.

In view of the above, this Writ Petition is dismissed. No costs.

Index : Yes / No  
Internet : Yes / No  
apd

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**C.SARAVANAN, J.**

apd

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