



W.P.(MD) No.4532 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.4532 of 2018
and
W.M.P.(MD) Nos.4632 and 4633 of 2018**

Sri Kothandaramar Swamy Kovil,
rep by its Trustee,
S.S.Seenivasa Raja

... Petitioner

/vs./

1.The District Collector,
Virudhunagar,
Virudhunagar District.

2.The Revenue Divisional Officer,
Rajapalayam,
Virudhunagar District.

3.S.Sundaramoorthy Thevar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 1st respondent in Nee.Mu.(A2) 20660/2017, dated 04-10-2017 and consequentially direct the 1st respondent to make necessary entry



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in the revenue registers in the name of the petitioner temple as Kothandaramarsamy Temple by its trustee within a time stipulated by this Court.

For Petitioner : Mr.A.Sivaji
For R1 & R2 : Mr.B.Saravanan
Additional Government Pleader

ORDER

The temple represented by its trustee has filed the above writ petition challenging the order passed by the first respondent in his proceedings bearing Nee.Mu.(A2) 20660/2017, dated 04-10-2017 and consequently directing the first respondent to make necessary entries in the revenue register in the name of the temple.

2. The facts are herein below set out.

3. The petitioner would submit that the land comprised in T.S.No.21, measuring an extent of 0.0098.5 sq.ft., belonged to the temple and was in their possession and enjoyment of the same. This land was purchased by the temple under a registered sale deed dated 20.07.1923. The temple has vast extent of landed properties including the property now in question.



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4. In 1995, during the town survey, the registry was changed as Kothandaramar Hindu Primary School, by its present management Andathamankoil street from Sri Kothandaramar temple. This was on account of the fact that one of the trustees had requested a place for commencing an Elementary School in the area. This was stated by one V.S.Subramania Iyer, when he had appeared before the first respondent and gave a statement. The entry has therefore wrongly been made.

5. To rectify the entry, an application was made to the first respondent in 2010. The first respondent has passed an order on 10.05.2011 deleting the entry and entering the name of the temple. Challenging the same, the third respondent had filed W.P.(MD) No.11884 of 2011 and by an order dated 29.10.2012, the said writ petition was disposed of directing the first respondent to pass orders afresh. This was challenged by the petitioner by filing W.A.(MD) No.553 of 2013. The said writ appeal was also disposed of by an order dated 15.06.2017 directing the claim to be disposed of after affording an opportunity and hearing both the parties. Thereafter, the first respondent had conducted an enquiry, where the



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petitioner and the third respondent appeared and placed submissions. The first respondent, who had initially passed orders stating that there was no school in existence later went on to reclassify the land from Natham to Government land and the entire exercise was based on the documents obtained behind the back of the petitioner. Challenging the same, the petitioner is before this Court.

6. This Court by an order dated 09.09.2024 had directed the respondents to produce the earlier registers. Today, when the matter was called, the resurvey settlement register was produced, wherein it is clearly stated that the property in question is a Natham site and the Town Survey Field Register would also describe the property as Natham and shows a tiled house and in the remarks column, it is shown as the Sri Kothandaramar temple by its trustee, Perumal Raja, S/o.Muthusamy. Therefore, it is crystal clear that the impugned order is totally erroneous and that it is not a street and its description as a Street is totally wrong. The FMB, which has been produced, would also show that T.S.No.21 is not a pathway. The earlier order of the first respondent has not been taken into consideration. The impugned order is merely based on the representation of the



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third respondent, which is not supported by documents. Therefore, the impugned order has to necessarily be set aside and is accordingly set aside.

7. In fine, the Writ Petition stands allowed and the revenue records are directed to be restored back to the state as found in the Town Survey Register produced today before this Court, which shall form part of this order within a period of 8 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

25.10.2024

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To

1.The District Collector,
Virudhunagar,
Virudhunagar District.

2.The Revenue Divisional Officer,
Rajapalayam,
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P.T.ASHA, J.

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