



W.P.(MD) No.19577 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2024

**CORAM:**

**THE HONOURABLE MS.JUSTICE P.T.ASHA**

**W.P.(MD).No.19577 of 2024**

P.Alamelu

.. Petitioner

Vs.

1.The Director,  
Directorate of Survey and Settlement,  
Survey House,  
Chepauk, Chennai.

2.The District Revenue Officer,  
Tirunelveli Revenue District,  
Tirunelveli.

3.The Revenue Divisional Officer,  
Tirunelveli Division,  
Tirunelveli.

4.The Tahsildar,  
Tirunelveli Taluk,  
Tirunelveli.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, direct the respondents to remove the entry stated as land belongs to temple in online for the lands in Survey No. 401 / 2, 402/2, 402/1 admeasuring 1 Acre 90 Cents



W.P.(MD) No.19577 of 2024

situated at Chatram Pudukulam village, Tirunelveli and consequently to grant patta in favour of the petitioner's name based on the petitioner's representation, dated 09.07.2022 for the said lands.

For Petitioner : Mr.T.Selvan

For Respondents : Mr.P.Thambidurai  
Government Advocate

### **ORDER**

A direction in the form of a mandamus is sought by the petitioner to the respondents to remove the entry in the revenue records that the land measuring 1 acre 90 cents in Survey Nos.401/2, 402/2, 402/1, Chatram Pudukulam Village, Tirunelveli belongs to the Temple and to consequently grant patta in favour of the petitioner.

2. The contention of the petitioner is that these lands originally belong to one Shanmugasundaram Pillai who had executed a Trust deed in favour of his family Temple Shri Siddhi Vinayagar Temple, dated 19.06.1943. He was unable to maintain the said lands. Therefore, he had removed the charge from the said lands and executed another deed in and by which another property had been charged for the above purpose.



W.P.(MD) No.19577 of 2024

Though he had sent a representation stating that there was no charge in the name of the Temple, the respondents were unwilling to pass orders despite directions of this Court in W.P.No.16504 of 2019.

3. When the matter had come up on the last occasion, this Court directed the learned counsel for the petitioner to produce the Document No.364/1953 which is stated to be the document under which the charge created on the Temple has been removed.

4. Pursuant to which, the learned counsel for the petitioner had produced two documents bearing Document Nos.364 and 365 of 1953. A perusal of the same clearly shows that by the sale deed bearing Document No.364 of 1953, the charge created in respect of the property in question had been removed and it has been stated that by the settlement deed of the same date in document no.365 of 1953, the 'B' schedule property shown in Document No.364 of 1953 has been settled settling the properties for charity. One of the charity included the Pooja and Mandagapadi for the Siddhi Vinayagar Temple, Tirunelveli in



W.P.(MD) No.19577 of 2024

WEB COPY

Chatram Pudukulam Village. Therefore, from the aforesaid document, it is clear that the charge created in respect of the properties, the subject matter of this writ petition has been removed and an alternate land has been provided for the very same purpose therefore, there is no impediment for removing the entry in the revenue records.

5. Therefore, a Mandamus is issued to the respondents to consider the representation of the petitioner, dated 09.07.2022 on the basis of document nos.364 and 365 of 1953 and pass orders within a period of six (6) weeks from the date of receipt of copy of this order.

6. With the above direction, this Writ Petition stands allowed. No costs.

**20.08.2024**

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

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W.P.(MD) No.19577 of 2024

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W.P.(MD) No.19577 of 2024

**P.T.ASHA, J.**

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