



W.A(MD)Nos.1531 and 1532 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2024

CORAM

JUSTICE N. SESHASAYEE

and

JUSTICE P.VADAMALAI

W.A(MD)No.1531 of 2014

and

C.M.P(MD)Nos.2277 of 2016

and

M.P(MD)Nos.1 and 2 of 2014, 1 of 2015,

and

W.A(MD)No.1532 of 2014

and

M.P(MD)Nos.1 & 2 of 2014 and 1 of 2015

and

C.M.P(MD)No.2278 of 2016

W.A(MD)No.1531 of 2014:

Rengarajan Naidu,
Hereditary Trustee of Sree Sanjeevi Rayer Kovil,
Pidampatti,
Kulathur Taluk,
Pudukottai District.

... Appellant/Petitioner

Vs.

1.The District Collector,
Pudukottai District,
Pudukottai.



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2.The Tahsildar,
Kulathur Taluk,
Pudukottai District.

3.The Block Development Officer,
Viralimalai Panchayat Union,
Viralimalai,
Pudukottai District.

4.The President,
Viralimalai Panchayat,
Viralimalai,
Pudukottai District.

... Respondents/Respondents

(Hereditary Trustee of appellant temple is substituted vide Court Order dated 02.04.2024 made in C.M.P(MD)No.4740 of 2024 in W.A(MD)No.1531 of 2014 by NSSJ & PVMJ)

W.A(MD)No.1532 of 2014:

Rengarajan Naidu,
Hereditary Trustee of Sree Sanjeevi Rayer Kovil,
Pidampatti,
Kulathur Taluk,
Pudukottai District.

... Appellant/Petitioner

Vs.

1.The District Collector,
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2.The Tahsildar,
Kulathur Taluk,
Pudukottai District.

3.The Superintendent of Police,
Pudukottai District,
Pudukottai.

4.The Village Administrative Officer,
Singatha Kurichi Village,
Kulathur Taluk.

5.The Sub-Inspector of Police,
Mandaiyoor Police Station,
Pudukottai District.

... Respondents/Respondents

(Hereditary Trustee of appellant temple is substituted vide Court Order dated 02.04.2024 made in C.M.P(MD)No.4742 of 2024 in W.A(MD)No.1532 of 2014 by NSSJ & PVMJ)

Common Prayer: Appeals filed under Clause 15 of the Letters Patent, against the common order dated 24.09.2014 passed in W.P(MD)Nos.1603 of 2010 and 12242 of 2014 respectively.

For Appellant	:Mr.R.Murali
For Respondents	:Mr.N.Muthuvijayan
For proposed respondent	:Mr.K.Vinoharan for Mr.G.Prabhu Rajadurai



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COMMON JUDGMENT

(Judgment of the Court was delivered by N.SESHASAYEE, J.)

These writ appeals have been preferred against the common order of a learned Single Judge of this Court in W.P(MD)No.1603 of 2010 and W.P(MD)No.12242 of 2014 respectively.

2. The first mentioned writ petition is filed for issuance of a Writ of Mandamus to the Tahsildhar, Kulathur Taluk, Pudukottai District, to issue patta pertaining to eight tanks, which according to the appellant belongs to Arulmigu Sanjeevarayar Temple, Pidampatti Village, Pudukkottai District. The writ petition in W.P(MD)No.12242 of 2014, is for issuance of a Writ of Mandamus to protect the peaceful possession and enjoyment of the temple lands covered under Patta No.1 of Pidampatti, Singathakuritchi Village, Kulathoor Taluk.

3. Both the writ petitions came to be disposed of by the learned Single Judge wherein he has directed the Tahsildar concerned to consider the petitioner's



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application for grant of patta and also directed the HR & CE Department to make its stand clear before the Tahsildar *vis-a-vis* the title of the temple over the tanks in question and further directed the Tahsildhar to consider the said stand which the HR & CE Department Official might disclose.

4. So far as the other writ petition which the appellant has filed for protecting the peaceful enjoyment of the temple lands is concerned, the Court had directed the Tahsildhar to auction the “Seema Karuvelam Trees”(Prosopis Juliflora), standing therein. This order is now challenged before this Court.

5. This Court is informed that since the passing of the impugned order of the learned Single Judge, the Tahsildhar, Kulathur Taluk, Pudukottai District, had passed orders declining to grant patta to the eight tanks in question and this is being challenged separately in a writ proceedings in W.P(MD)No.6152 of 2016.

6. So far as the other aspect to conduction auction is concerned, the said order of the learned Single Judge has been complied with by the Tahsildar



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and nothing survives for consideration in these writ appeals inasmuch the issue covers under the common order, does not survive for fresh consideration now and the appellant is free to agitate his rights in the pending writ petition .

7. In view of the same, the writ appeals are dismissed as having become infructuous. No Costs. Consequently, connected Miscellaneous Petitions are closed.

(N.S.S., J.)

(P.V.M., J.)

05.04.2024

Index:Yes/No

NCC:Yes/No

PM



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