



W.P.(MD)No.20090 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.20090 of 2023

and

W.M.P.(MD)No.16560 of 2023 and 22168 of 2023

M.Manojkumar

... Petitioner

versus

1. The Joint Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Dindigul District.
2. The Assistant Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Dindigul District.
3. The Executive Officer/Fit person,
Arulmigu Soundaraja Perumal Temple,
Vadamadurai,
Vedasanthur Taluk,
Dindigul District.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records of the 3rd respondent dated 04.08.2023 in respect of the property comprised in S.No.355 to an extent of 7.51 acres, Landakottai Village, Dindigul District and to quash the same as the same is arbitrary and ultravires.

For Petitioner : Mr.R.G.Shankar Ganesh

For Respondents : Mr.P.Subbaraj,
Special Government Pleader

ORDER

This writ petition has been filed as against the auction notice issued by the 3rd respondent/the Executive Officer of Arulmigu Soundaraja Perumal Temple, Vadamadurai for conducting auction in respect of the property in Survey No.355, to an extent of 7.51 acres, in Landakottai Village, Dindigul District. .



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2. The petitioner has challenged the impugned auction notice on the ground that this property belongs to his great grandfather Vaduga Nambi Reddiar and he was in occupation of this property for several years and he has also filed a suit in O.S.No.108 of 2023 before the District Munsif, Vendasandur, for declaration, declaring that the order dated 03.07.1967 passed by the Settlement Tahsildar, Madurai as null and void. Without considering these factors, the 3rd respondent has brought this property for auction.

3. This Court, while entertaining this writ petition, has passed an order of interim stay in favour of the petitioner on 18.08.2023. The 3rd respondent/the Executive Officer of the Temple, has filed a petition in W.M.P.(MD)No.22681 of 2023 to vacate the interim order granted by this Court on 18.08.2023.

4. Since the learned counsel appearing for the petitioner and the learned Special Government Advocate appearing for the respondents



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are ready for final disposal, this writ petition is taken up for final disposal.

5. The learned counsel appearing for the petitioner, by referring the Judgment of this Court, reported in ***1998 1 CTC 630 (Srinivasan and six others vs. Madhyarjuneswaraswami Pattaviathalai Tiruchirapally District, Rep. by its Executive Officer at Pettavaithalai Devasthanam and five others)***, submits that the order passed by the Settlement Tahsildar, Madurai, is not a conclusive proof of title and the subject property belongs to the petitioner's great grandfather. He further submits that the petitioner has also filed a suit in O.S.No.108 of 2023 before the competent Civil Court, challenging the validity of the order of the Settlement Tahsildar, Madurai dated 03.07.1967. Pending the suit, the 3rd respondent is not entitled to bring this property for public auction.



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6. The learned Special Government Pleader appearing for the respondents submits that the subject property to an extent of 7.51 acres is situated in a prime place and this property belongs to Arulmighu Sri Nachiamman Temple, Landakottai Village. By relying on the proceedings of the Settlement Tahsildar, Madurai dated 03.07.1967, he further submits that the petitioner's great grandfather Vaduga Nambi Reddiar has already raised an objection before the Settlement Tahsildar, Madurai and the same was negatived by the Settlement Tahsildar, Madurai. The Settlement Tahsildar, Madurai, on 03.07.1967, has passed an order upholding that this land is an Iruvaram grant made for the support of the Temple and the deity Sri Nachi Amman is entitled to patta under Section 8(2)(ii) of the Act. According to him, the patta stands in the name of the Temple.

7. The learned Special Government Pleader has also referred the earlier order passed by this Court in W.P.(MD)No.13777 of 2023 dated 13.06.2023 and submits that the subject property was brought for



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auction on 25.05.2023, at that time, the petitioner has filed the above writ petition for a Mandamus forbearing the respondents therein from dispossessing him from the property comprised in Survey No.355. This Court, by order dated 13.06.2023 in W.P.(MD)No.13777 of 2023, disposed of the writ petition by setting aside the auction held on 25.05.2023, with a further direction to the respondents to issue a fresh auction notice following the Religious Institutions (Lease of Immovable Property) Rules and complete the process of auction within a period of eight weeks. In compliance of the order of this Court, the present auction notice dated 04.08.2023 was issued and this auction notice is now challenged on the very same ground raised by the petitioner in the earlier round of litigation in W.P.(MD)No.13777 of 2023. He further submits that the petitioner has raised all these grounds in the earlier round of litigation in W.P.(MD)No.13777 of 2023 and the same were rejected by this Court, by order 13.06.2023 and the 3rd respondent was permitted to proceed with the auction within a period of six weeks. The earlier auction notice was set aside by this



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Court only on the ground that there is no wide publicity of auction notice in the newspaper.

8. This Court considered the rival submissions made.

9. The auction notice issued by the 3rd respondent for conducting auction in respect of the temple property in Survey No.355 at Landakottai Village, Dindigul District, is under challenge in this writ petition. Admittedly, the land in Survey No.355 stands in the name of the Sri Nachiyamman Temple. The Settlement Tahsildar, Madurai, has conducted an enquiry under Section 11 of the Madras Minor Inam Abolition Act 30 of 1963 in the year 1967 with regard to the subject property in Survey No.355 and on 03.07.1967, has passed the following order:

“This is an enquiry under Section 11 of the Madras Minor Inam Abolition Act 30 of 1963 in respect of the claim for ryotwari patta for the inam land S.No.355 confirmed in T.D.No.1400 in the village of 110,



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Landakottai, Dindigul Taluk. The grant was made for the support of the pagoda of Sri Nachi Amman situated in Landakottai Village. The above inam land was notified and taken over by government on 15.02.65 abolishing the Minor Inam character and converting into ryotwari with effect from the coming into force of the act 30 of 1963.

2. As nobody applied for patta, suo moto enquiry is taken up under rule 9(3) of the rules framed under the Act. Notices of enquiry were got served on the occupants of the inam lands and also set duly published in the village as per rules. The occupants of the land, the karnam appeared and they were heard.

3. My enquiry shows the following: The temple is in existence at S.No.602 of Landakottai Village and no one has been appointed as its trustee. Sri Vaduga Nambi Reddiar, purchased the land who is not the descendant of the original service doer. He renders service regularly and looks to the upkeep of the temple.

4. S.No.335 is said to have been sold and Sri Vaduga Nambi reddiar is said to be in possession of the land by right of purchase. He has not produced the sale



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documents executed by the competent vendors. Hence, his claim is disallowed.

5. From the evidence on record, I am satisfied that this is an Iruvaram grant made for the support of the temple and the deity Sri Nachi Amman is entitled to patta under Section 8(2)(ii) of the Act through its poosari. Ryotwari patta will issue accordingly.”

10. The petitioner claims that he is a descendant of one Vaduga Nambi Reddiar, who was a party to the proceedings of the Settlement Tahsildar dated 03.07.1967. However, the said Vaduga Nambi Reddiar had not challenged the order of the Settlement Tahsildar, Madurai, for the past 50 years. Now, the petitioner claims that he has filed a suit in O.S.No.108 of 2023 for the relief of declaration, declaring that the order of the Settlement Tahsildar, Madurai, dated 03.07.1967 as null and void and therefore, pending the suit, the authorities are not supposed to conduct auction for the subject property in Survey No.355.



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11. The petitioner has also filed a writ petition in W.P.(MD)No. 13777 of 2023 on the same very ground that he was in occupation of the property and the order of the Assistant Settlement Tahsildar is not an conclusive proof of title. But, this Court, by order dated 13.06.2023, set aside the earlier auction notice dated 25.05.2023 on the ground that no there is no wide publicity of auction notice in the newspaper and also directed the 3rd respondent to conduct a fresh auction by following the provisions under the Religious Institution (Lease of Immovable Property) Rules, within a period of eight weeks. However, the same has not been informed by the Government Pleader at the time of granting interim stay.

12. Considering that the issue has already been decided by this Court in W.P.(MD)No.13777 of 2023 with a direction to the 3rd respondent to conduct a fresh auction by giving wide publicity, this writ petition is dismissed. However, there shall be a direction to the respondents to conduct a fresh auction, by giving advertisement in



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daily newspaper having wide circulation, within a period of six weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

22.02.2024

NCC : Yes / No.

Index : Yes / No.

Internet: Yes / No.

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