



W.P(MD)No.21193 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.21193 of 2023
and
W.M.P.(MD)No.17604 of 2023

1. M.Sankarammal
2. Muthulakshmi

... Petitioners

versus

The Executive Officer,
Arulmigu Mutharamman Thirukovil,
Kulasekarapattinam,
Trichedur Taluk,
Thoothukudi District.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in impugned communication dated 07.08.2023 on the file of the respondent and quash the same as illegal and consequently, forbear the respondent from interfering the petitioner's peaceful possession and enjoyment over property in Natham S.No.579/15B, Kulasekarapatti Village, Trichendur Taluk, Tuticorin District.



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For Petitioners : Mr.S.Kumar

For Respondent : Mr.P.Subba Raj,
Special Government Pleader

ORDER

This writ petition is filed challenging the impugned communication dated 07.08.2023 issued by the Executive Officer of Arulmigu Mutharamman Thirukovil, Kulasekarapattinam, Trichedur Taluk, directing the petitioners to vacate the temple land in Survey No.579/15B, which was encroached by them.

2. The learned counsel appearing for the petitioners submits that the petitioners have purchased the lands by way of registered sale deeds dated 23.02.2001 and 04.01.2022.

3. The learned counsel for the respondent submits that the land in Survey No.579/15B was originally used as “Madapalli” of Arulmigu Mutharamman Temple and subsequently, it was converted



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as Kalyana Mandapam for the welfare of devotees. He further submits that now, they are intending to use it as Abisheka Mandapam in accordance with the Aagama Rules and therefore, they require this Mandapam. He further submits that the petitioners have purchased the land in Survey No.579/15A and thereafter, they have encroached upon the land in Survey No.579/15B and also put up some construction. Therefore, the impugned communication has been issued to the petitioners.

4. The petitioners claim that the land in Survey No.579/15B, in which, a Kalyana Mandapam is situated, is their patta land. They have also produced a copy of the sale deeds dated 23.02.2001 and 04.01.2022 before this Court.

5. A perusal of the said documents reveals that the sale deed dated 23.02.2001 is pertaining to the land in Survey No.579/14 and the sale deed dated 04.01.2022 is pertaining to the land in Survey No.579/15A.



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6. The respondent claims that the land in Survey No.579/15B belongs to the Temple and the petitioners have encroached upon the said land. Now, they are intending to use the said land as Abisheka Mandapam and therefore, they require that land.

7. If the petitioners are encroachers of the land in Survey No. 579/15B, the respondent is having a remedy before the Joint Commissioner of HR&CE Department, by invoking the provision under Section 78 of HR&CE Act.

8. The impugned communication is only a notice issued by the Executive Officer treating the petitioners as encroachers. If the HR&CE Department is inclined to evict the petitioners, then, they can proceed under Section 78 of the HR&CE Act. In the event, if the petitioners receive any notice from the Joint Commissioner of HR&CE Department, they can very well make their submissions before the Joint Commissioner of HR&CE.



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9. Accordingly, this writ petition is closed. No costs.

Consequently, connected miscellaneous petitions are closed.

12.03.2024

NCC: Yes/No

Index: Yes/No

Internet: Yes

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To

The Executive Officer,
Arulmigu Mutharamman Thirukovil,
Kulasekarapattinam,
Trichedur Taluk,
Thoothukudi District.



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B.PUGALENDHI, J.

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