



W.P(MD)Nos.22114 & 22115 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.22114 & 22115 of 2023

and

W.M.P(MD)Nos.18451, 18452 of 2023
& 2470 of 2024

W.P(MD)No.22114 of 2023:

U.Saravanan

... Petitioner

Vs.

- 1.The Collector,
Sivagangai District,
Sivagangai.
- 2.The District Revenue Officer,
Sivagangai District,
Sivagangai.
- 3.The Tahsildar,
Thirupuvanam Taluk,
Sivagangai District.
- 4.The Commissioner,
HR & CE Department,



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No.119, Uthamar Gandhi Salai,
Nungampakkam,
Chennai – 34.

5.Ayyanar

***(R.5 is impleaded vide order of
this Court dated 14.03.2024 in
W.M.P(MD)No.24914 of 2023)***

... Respondents

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 relating to the impugned order bearing Na.Ka.C3/8455/2023 dated 18.07.2023 ordered by the second respondent and quash the same and to order not to add the name of Hindu Religious Endowment Board as ordered by the second respondent in the petitioner's patta.

For Petitioner : Mr.V.R.G.Mohan

For Respondents : Mr.M.Lingadurai
Special Government Pleader
for R.1 to R.4

W.P(MD)No.22115 of 2023:

U.Periyasamy

... Petitioner

Vs.

1.The Collector,
Sivagangai District,
Sivagangai.

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2.The District Revenue Officer,
Sivagangai District,
Sivagangai.

3.The Tahsildar,
Thirupuvanam Taluk,
Sivagangai District.

4.The Commissioner,
HR & CE Department,
No.119, Uthamar Gandhi Salai,
Nungampakkam,
Chennai – 34.

5.K.Kottaisamy
***(R.5 is impleaded vide order of
this Court dated 14.03.2024 in
W.M.P(MD)No.281 of 2024)***

... Respondents

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 relating to the impugned order bearing Na.Ka.C3/8455/2023 dated 18.07.2023 ordered by the second respondent and quash the same and to order not to add the name of Hindu Religious Endowment Board as ordered by the second respondent in the petitioner's patta.

For Petitioner : Mr.V.R.G.Mohan

For Respondents : Mr.M.Lingadurai
Special Government Pleader
for R.1 to R.4



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COMMON ORDER

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Heard both sides.

2.The petitioners challenge the order dated 18.07.2023 passed by the District Revenue Officer, Sivagangai mutating the revenue record in respect of the petition mentioned survey numbers in favour of “Keeladi Arul Migu Ayyanar Temple”.

3.The learned counsel appearing for the petitioners points out that the lands in question were originally minor inams. On 14.07.1967, the Settlement Tahsildar (Minor inam, Madurai) passed order granting ryotwari patta under Section 21 of the Tamil Nadu Act 30 of 1963 in favour of their father C.Udaiyar Velar and P.Udaiyar Velar. The writ petitioners are sons of P.Udaiyar Velar. It appears that alienation had taken place during the intervening period. That is why, the second respondent had issued the impugned proceedings.

4.The learned counsel appearing for the petitioners states that the petitioners are not parties to any act of alienation.



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5. In any event, an order passed by the settlement authority under Tamil Nadu Act 30 of 1963 can be set aside only under Section 21 of the Act and otherwise. The petitioners maintain that they are continuing to render service. Therefore, deletion of the petitioners' name is not proper. The impugned order is adverse not only to the petitioners but to few other persons. They are not before this Court. Therefore, the impugned order need not be set aside in *toto*. It is interfered with only to a limited extent.

6. The third respondent is directed to issue patta in favour of the petitioners herein in respect of the survey numbers which were originally standing in their names. Of course, the patta as well as the revenue record will also indicate that the petitioners are service inam holders. The petitioners through their counsel give an undertaking that since they in possession of the property they will not alienate the lands also. This undertaking is recorded. The impugned order is modified to the extent mentioned above. The third respondent shall comply with the direction now given within a period of eight weeks from the date of receipt of a



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copy of this order. This position will continue to hold good so long as the petitioners render service.

7.These writ petitions are partly allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

14.03.2024

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

To

- 1.The Collector,
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G.R.SWAMINATHAN, J.

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