



W.P.(MD)No.29625 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.29625 of 2024

Karthick

Represented by his Power Agent,
Santhiya

... Petitioner

Vs.

1.The District Revenue Officer,
Tirunelveli.

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

3.The Tahsildar,
Palayamkottai Taluk,
Tirunelveli District.

4.The Town Surveyor,
Palayamkottai,
Tirunelveli District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to transfer the revenue records in respect of the subject property in Town Survey No.38, Old Survey No.393/3, Resurvey No.15/8, Veeraragava Mudaliyar Chathiram Village, presently situated in Palayamkottai Town, Tirunelveli District from the name of Arunachaleswarar Temple to the name of the petitioner in



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compliance with the decree dated 13.06.2005 passed in O.S.Nos.433 of 2003 and 435 of 2003 on the file of the Principal Subordinate Court, Tirunelveli confirmed in appeals in A.S.(MD).No.230 of 2005 and A.S.(MD).No.1 of 2006 before this Court as per Rule 4 (4) of the Tamil Nadu Patta Passbook Rules, 1987 within a time frame that may be fixed by this Court.

For Petitioner : Mr.R.Raja

For Respondents : Mr.R.Ragavendran
Government Advocate

ORDER

The writ petition has been filed for a direction to the second respondent to transfer the revenue records in respect of the property in Town Survey No.38, Old Survey No.393/3, Resurvey No.15/8, Veeraragava Mudaliyar Chathiram Village, Palayamkottai Town, Tirunelveli District from the name of Arunachaleswarar Temple to the name of the petitioner in compliance with the decree, dated 13.06.2005, passed in O.S.Nos.433 of 2003 and 435 of 2003 on the file of the Principal Subordinate Court, Tirunelveli, as confirmed in appeals in A.S.(MD).Nos.230 of 2005 and 1 of 2006, before this Court as per Rule 4 (4) of the Tamil Nadu Patta Passbook Rules, 1987.

2. The property in Town Survey No.38, Old Survey No.393/3, Resurvey No.15/8, Veeraragava Mudaliyar Chathiram Village, Palayamkottai Town, Tirunelveli District, was purchased by the petitioner's principal's father under



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registered sale deed, dated 07.06.1994. After the demise of the petitioner's principal's father, there was a family arrangement between his legal heirs and the subject property was allotted to the petitioner's principal. The petitioner's principal executed general power of attorney in favour of the petitioner on 23.06.2023. Under these circumstances, two suits in O.S.Nos.433 and 435 of 2023 were filed before the Sub Court, Tirunelveli, against the Commissioner of the Hindu Religious and Charitable Endowments Department, Chennai, Joint Commissioner, Palayamkottai and the Assistant Commissioner, Palayamkottai, Tirunelveli, in which the father of the petitioner's principal was added as party. In the suits, a decree was passed on 13.06.2005, holding that the property was neither a temple property nor a religious institution under Section 6 (20) of the Hindu Religious and Charitable Endowments Act. The Hindu Religious and Charitable Endowments Department filed two appeals in A.S.No.230 of 2005 and 1 of 2006 and the said appeals were dismissed by common judgment, dated 30.11.2010. Thereafter, review applications were filed by the Hindu Religious and Charitable Endowments Department, in R.A(MD)Nos.6 and 7 of 2011. The said review applications were dismissed vide order, dated 29.04.2011. As no further appeals were preferred before the Hon'ble Supreme Court of India, the order passed by this Court in the appeals and review applications attained finality. While so, the petitioner submitted a representation to the second



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respondent on 14.10.2024, to mutate the revenue records in his principal's name by deleting the name of the temple, namely, Arunachaleswarar Temple. The second respondent issued notice on 07.09.2024, for enquiry on 20.09.2024. The petitioner appeared along with necessary documents and submitted her written submission on 20.11.2024. Thereafter, the respondents did not pass any orders on the petitioner's representation and therefore, the petitioner filed the above writ petition for the aforesaid relief.

3. The learned counsel for the petitioner submitted that the civil Court has already decided the issue in favour of the petitioner and therefore, as per Rule 4 (4) of the Tamil Nadu Patta Passbook Rules, the respondents were bound to transfer the patta in the name of the petitioner's principal by deleting the name of the temple. The learned counsel for the petitioner therefore submitted that the respondents may be directed to issue patta in favour of the petitioner by following Rule 4 (4) of the Tamil Nadu Patta Passbook Rules within a time frame fixed by this Court.

4. It is seen that enquiry notice was issued to the petitioner on 07.09.2024. In pursuance of the enquiry notice, the petitioner appeared, produced necessary documents and also submitted her return submissions on 20.11.2024.



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Thereafter, no action was taken and therefore, the petitioner filed the above writ petition for the aforesaid relief.

5. In view of the fact that the petitioner's application is kept pending since September, I am inclined to issue direction to the second respondent to consider and pass orders on the representation of the petitioner, dated 14.10.2024, on merits and in accordance with law, by taking into consideration Rule 4 (4) of the Tamil Nadu Patta Passbook Rules, within a period of 8 weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition stands disposed of with the above direction. No costs.

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NCC:yes/no
Index:yes/no
Internet:yes/no
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N.MALA, J.

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