



W.A.No.862 of 2021

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.A.No. 862 of 2021
and
C.M.P.No.5027 of 2021

1.The District Collector,
Namakkal District,
Namakkal.

2.The Revenue Divisional Officer,
Tiruchengode,
Namakkal District.

...Appellants

Vs.

1.A/M.Chokkanatasamy Temple,
A/M.Periya Mariamman Chinna Mariamman Temples,
A/M.Karpoora Vinayagar, Athanooraman &
Azhagunachiamman emples,
Rep. by its Hereditary Trustee,
M.Appugounder, 78 years,
S/o. Late Muthugounder,
Mangalampudur, Mangalam Village,
Tiruchengde Taluk, Namakkal District.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Namakkal.

...Respondents



PRAYER: The Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order dated 15.10.2019 made in W.P.No.15763 of 2010 and allow this Writ Appeal.

For Appellants : Mr.R.Ramanlaal, Addl. Advocate General
Assisted by Mr.Vadivelu Deenadayalan,
Addl. Govt. Pleader.

For Respondents : Mr.N.Manokaran for R1
Mr.N.R.R.Arun Natarajan,
Spl. Govt. Pleader (HR&CE) for R2

J U D G M E N T

(Order of the Court was made by S.M.SUBRAMANIAM, J.)

The writ order dated 15.10.2019 passed in W.P.No.15763 of 2010 is sought to be assailed in the present intra-Court appeal instituted by the District Collector, Namakkal District.

2. The Writ Petition has been instituted by the 1st respondent temple represented by its Hereditary Trustee seeking quashment of the order of the District Collector dated 07.09.2009 and to issue direction to grant patta in the name of the 1st respondent temple in respect of the properties measuring to an extent of 9.87 acres in S.No.112/2 and 4.87 acres in S.No.123/1 of Mangalam



village, Tiruchengode Taluk, Namakkal District. The Writ Petition came to be allowed. Thus, the District Collector has chosen to prefer the present appeal.

3. The learned Additional Advocate General would mainly contend that the entire extent of 9.87 acres in S.No.112/2 and 4.87 acres in S.No.123/1 in Mangalam Village cannot be granted in favour of the temple. It is contended that the temples situate in 2 acres and therefore, the larger extent cannot be allotted to the temples. The District Collector has considered the facts, verified the revenue records and formed an opinion that the entire extent of land measuring 9.87 acres and 4.87 acres cannot be allotted to temples. Therefore the rejection order passed by the District Collector is in accordance with the provisions of law.

4. The learned counsel for the 1st respondent temple would oppose by stating that the temples exist for about 900 years and in the entire extent of land cluster of temples are situated and people from various places are devotees of the temples. Presently five temples exist in the entire extent of land measuring 9.87 acres and 4.87 acres. The claim set out by the District Collector is running counter to the order earlier passed by the District Collector, Namakkal in the proceeding dated 27.11.2006. It is contended that the issues were settled long



before by the District Collector, Namakkal and the said order of the District Collector was confirmed by the Division Bench of this Court in the case of *A. Palaniappan Vs. The Collector, Namakkal District and others* reported in **2008-3-L.W.-61**. The said judgment relates to the present issue. Therefore, re-opening of the same issue by the District Collector through the impugned order dated 07.09.2009, was dealt with by the learned Single Judge and the Writ Petition was allowed. Thus, there is no reason to entertain the present Writ Appeal and to be rejected.

5. The learned Special Government Pleader for the HR&CE Department would support the contentions of the 1st respondent temple by stating that the competent Authority of the HR&CE Department has submitted proposals to the Authorities to grant patta in the name of the temple in respect of the entire extent of 9.87 acres and 4.87 acres in S.Nos.112/2 and 123/1. The proposal was not considered by the District Collector. As pointed out by the 1st respondent, the Division Bench has given quietus to the entire issue. But, subsequently, the District Collector in the year 2009 passed order dated 07.09.2009, which came to be challenged in the Writ Petition and it is allowed by the learned Single Judge. As far as the HR&CE Department is concerned, all the cluster of temples are falling under the administrative control of the



HR&CE Department under the Act and being administered by the Department.

The land is in usage for the benefit of worshippers and for other religious purposes. Therefore, the entire extent of land which is in the temple's usage for more than 900 years must be allowed to go on and in this view of the matter, the Writ Appeal deserves to be rejected.

6. This Court has considered the rival submissions made between the parties to the lis on hand.

7. The facts which are not disputed are that the temples exist for more than 900 years and people of surrounding areas are worshipping and festivals are also being conducted. The issue relating to allotting a land for burial ground arose and the District Collector conducted an enquiry. Meanwhile, the Assistant Commissioner, HR&CE, Salem also sent a proposal for grant of patta in the name of the temples. The letter addressed by the Assistant Commissioner to District Revenue Officer dated 01.09.2006 reveals that the temples exist for more than 900 years and it is being renovated on many occasions and kumbhabishekams were performed. Therefore, the Assistant Commissioner, HR&CE Department made a request that patta is to be granted in the name of the temples in respect of 9.87 acres in S.No.112/2 and 4.87 acres in S.No.123/1.



8. Based on the proposal and by verifying the revenue records, the District Collector, Namakkal elaborately passed an order in the proceeding in Na.Ka.No.9318/2006/L3 dated 27.11.2006. In the said order, the District Collector has recorded the entries in the revenue records. As per the revenue records dated 13.05.1928 S.No.112/1, 2 sub divisions are mentioned on 23.05.1940 and the name of the Easwaran temple, Perumal temple, Mariamman temple, square well, buildings are mentioned in the revenue records. However, there is no mention about the burial ground in the revenue records. Recording the entries in the revenue records and considering the facts, the District Collector, Namakkal has made a finding that place for burial ground is to be identified in some other place for the benefit of the people. The said order of the District Collector came to be challenged in WP.No.49994 of 2006. The Division Bench of this Court elaborately considered the issues and passed an order on 21.02.2008 and the relevant paragraphs are extracted hereunder:

19. At this juncture, the plea of the first respondent that land in Survey No.112/2, classified as Temple Poramboke was never allotted to any section of the people to use it as a burial ground, cannot be lost sight of on the facts and circumstances of the matter in issue. It is pertinent to point out that the first respondent has passed orders on 27.11.2006 suggesting that a patta land to an extent of 0.35 = acres in Survey No.125/3



purchased by the respondents also be used as burial ground or in the alternative granting a portion of Odai Poramboke in Village Survey No.89 out of an extent of 0.69.0 hectare after changing the classification as burial ground. It is not known whether the registration of burial and the burning ground in the alleged Survey No.112/2 is made as per the Tamil Nadu Village Panchayats (Provision of Burial and Burning Grounds) Rules, 1999. As far as the present case is concerned, equally, there is no material before this Court whether [Section 7](#) of the Tamil Nadu Village Panchayats (Provision of Burial and Burning Grounds) Rules, 1999 has been complied with by the petitioner or his community people. In fact, there is no M.T.R. Proceedings for conversion or reclassification of the land in issue before this Court.

20.In the light of the foregoing discussions, we are of the considered view that the petitioner has no legal enforceable right to maintain the present writ petition and in any event, the claim of the petitioner cannot be adjudicated in exercise of powers under [Article 226](#) of the Constitution and in that view of the matter, the Writ is disposed of without costs. Before parting, it is suggested that it is open to the Government to allot any Government Poramboke land free from any dispute (and not the Temple Poramboke land) for the purpose of Nathamedu Village people to use it as a burial ground for performing their last



funeral rites permanently. Consequently, connected miscellaneous petitions are closed.

9. The order of the Division Bench became final. Again an application was submitted for grant of patta in the name of the temple. Once again the said application was adjudicated by the District Collector pursuant to the directions issued by this Court in WP.No.843 of 2009. The District Collector passed final orders in proceeding dated 07.09.2009, which came to be challenged in WP.No.15763 of 2010. The learned Single Judge considered the issues and found that there is a force in the arguments advanced on behalf of the temple and considered the fact that the entire extent of subject property stands in the name of the temple in the revenue records and therefore, the patta is to be issued in the name of the temple.

10. During the pendency of the Writ Petition before the writ Court, the Hereditary Trustee Mr.M.Appugounder filed an appeal before the Commissioner of Land Administration. The Commissioner passed an order in proceeding dated 01.08.2017 rejecting the said appeal, by confirming the order of the District Collector dated 07.09.2009.



11. However, the said order of the Commissioner of Land Administration has not been brought to the knowledge of this Court by either of the parties before the writ Court. This Court is of the considered view that the issues raised in the Writ Petition even at the time of filing of the Writ Petition was no longer *res integra*. The right of the temple and the deity in the temple was crystallized by the order of the District Collector dated 27.11.2006 and the said order was confirmed by the Division Bench of this Court in the case filed by **A. Palaniappan** reported in **2008-3-L.W.-61** cited *supra*.

12. When quietus has been given to the entire issue, instead of granting patta, the District Collector, Namakkal has re-adjudicated the issue and passed an order dated 07.09.2009, which was confirmed subsequently by the Commissioner of Land Administration. The Commissioner of Land Administration also relied on the opinion expressed by the District Collector, Namakkal in his proceeding dated 07.09.2009. However, it is baseless, since all the temples in the entire extent of land is presently under the administrative control of HR&CE Department and functioning under the provisions of the HR&CE Act and the Rules framed thereunder. Therefore, the finding made by the District Collector and reiterated by Commissioner of Land Administration is



baseless. Therefore, this Court is of the considered view that re-adjudication of the issue by the District Collector, Namakkal and passing of order in proceeding dated 07.09.2009 is running counter to the judgment of the Division Bench of this Court in *A. Palaniappan Vs. The Collector, Namakkal District and others* reported in **2008-3-L.W.-61**.

13. That apart, once the District Collector has passed an order dated 27.11.2006 after adjudicating the issues elaborately and with reference to the revenue records, he has no jurisdiction to review his own order after a period of 3 years. That apart, the order dated 07.09.2009 is bereft of details regarding revenue records including extract of revenue register, Adangal extract, re-settlement register, “A” register etc., Contrarily the order of the District Collector dated 27.11.2006 elaborately speaks about the revenue records and therefore, this Court is of the considered view that the entire exercise of the District Collector by conducting re-adjudication and passing an order in proceeding dated 07.09.2009 is unnecessary.

14. For all these reasons the Writ order dated 15.10.2019 made in W.P.No.15763 of 2010 stands confirmed and consequently the Writ Appeal is **dismissed**. The official appellants are directed to issue patta in the name of the



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deity in respect of the subject property. No costs. Consequently, the connected
miscellaneous petition is closed.

(S.M.S., J.) (C.S.N., J.)
04.09.2025

dsa
Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non-speaking order



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