



W.P.(MD) No.648 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD) No.648 of 2025

P.Ponnupandi

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Petitioner

-VS-

- 1 The District Collector,
Office of the District Collector,
Viruthunagar District,
Viruthunagar.
- 2 The Tahsildar,
Office of the Tahsildar,
Kariyapatti,
Viruthunagar District.
- 3 The Deputy Tahsildar,
Office of the Tahsildar,
Kariyapatti,
Viruthunagar District.
- 4 The Revenue Inspector,
Office of the Revenue Inspector,
Mudukankulam,
Virudhunagar District.
- 5 The Village Administrative Officer,
T.Veppankulam Village,
Kariapatti Taluk,
Virudhunagar District.

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Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the entire records connected with order, dated 21.10.2024, passed by the 2nd respondent in Na.Ka.Aa1/1175/2023 and quash the same, consequently directing the respondents to issue patta in respect of 0.02.5 Ares comprised in Survey No.13/5 and 0.17.5 Ares comprised in Survey No.13/2 at A. Thotiyangulam Village in Kariyapatti Taluk, Virudhunagar District, in favour of Arulmigu Sri Kalladiyan Karuppanasamy and Arulmigu Sri Kattal Muniyandi temple in accordance with law within the time stipulated by this Honble Court.

For Petitioner : Mr.S.Malaikani

For Respondents : Mr.M.Muthumanikkam,
Govt. Advocate (Civil Side).

ORDER

This Writ Petition is filed for a certiorarified mandamus, to call for the records of the order, dated 21.10.2024, passed by the 2nd respondent in Na.Ka.Aa1/1175/2023, quash the same, and consequently direct the respondents to issue patta in respect of the property in Survey No.35/1 to an extent of 0.02.5 Ares and in Survey No.13/2 to an extent of 0.17.5 Ares



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comprised at A. Thotiyangulam Village, Kariyapatti Taluk, Virudhunagar District, in favour of Arulmigu Sri Kalladiyan Karuppanasamy and Arulmigu Sri Kattal Muniyandi temple in accordance with law within the time stipulated by this Honble Court.

2.The petitioner's family were worshippers of the above two temples for several decades and the lands adjacent to the temples were used for temple purposes only. The subject lands, as per the Government records, were classified as Government lands. The petitioner's father, therefore, approached the respondents for grant of patta. The petitioner, for the purpose of proper maintenance of temples and their properties, created a trust and registered the same on the file of Sub-Registrar, Kariyapatti. On behalf of the temple trust, on 28.12.2022, the petitioner preferred a detailed representation to the respondents for grant of patta in the name of the temple or in the name of the trust. The petitioner already filed a writ petition before this Court in W.P.(MD) No.2036 of 2023 and, on 02.02.2023, the said writ petition was disposed of with a direction to the second respondent to consider the petitioner's representation and pass orders within twelve weeks from the date of the order. In pursuance of the order of this Court, the second respondent passed the impugned order. Aggrieved by the same, the petitioner filed the above Writ Petition for the aforesaid relief.



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3. It is seen that the order passed by the second respondent is appealable under Section 12 of the Tamil Nadu Patta Pass Book Act. The petitioner has not whispered about the alternative remedy in the Writ Petition. On the contrary, the petitioner has stated that he has no other efficacious alternative remedy. As the petitioner has an alternative efficacious remedy under Section 12 of the above said Act before the Revenue Divisional Officer, I am not inclined to entertain this Writ Petition.

4. Writ Petition is, therefore, disposed, with liberty to the petitioner to approach the Revenue Divisional Officer concerned by way of an appeal under Section 12 of the Tamil Nadu Patta Pass Book Act. It is made clear that if the petitioner approaches the Revenue Divisional Officer within two weeks from the date of receipt of copy of this order, the Revenue Divisional Officer shall entertain the appeal, without reference to limitation. But, if the petitioner files appeal beyond the breathing time mentioned hereinabove, the Revenue Divisional Officer shall be at liberty to consider the issue of limitation, while considering the appeal. 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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