



W.A.(MD)No.272 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.02.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

W.A.(MD)No.272 of 2020

K.Parameswaran

... Appellant

Vs.

- 1.The Special Deputy Collector,
(Revenue Court)(Appellate Authority)
Thanjavur, Thanjavur District.
- 2.The Authorized Officer,
Kudiyeruppu Kumbakonam,
Kumbakonam,
Thanjavur District.
- 3.Sri Sidhanathaswami Temple,
Thirunaraiyur,
Rep by its Executive Officer,
Thirunaraiyoor,
Kumbakonam Taluk,
Thanjavur District.
- 4.S.Sivakumar,
Joint Commissioner,
HR & CE Department,
Mayiladudurai,
Nagapattinam District.



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5.Nirmaladevi,
Executive Officer,
A/M Uthvaganatha Swamy Temple,
Thrumananchery, Kutthalam,
Mayiladudurai Taluk,
Nagapattinam District.

6.K.Thirunavukarasu,
S/o.Kuppusamydevar,
Head Cleark,
A/M. Srinivasaperumal Kovil,
Nachiyarkovil,
Kumbakonam Taluk,
Thanjavur District.

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order dated 25.11.2019 made in W.P.(MD).No.22566 of 2019 on the file of this Court.

For Appellant : Mr.R.Rajaraman
Addl. Government Pleader.

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 & R2.
Mr.V.Chandrasekar for R3.
No appearance for R4, R5, & R6.

JUDGMENT

Heard both sides.



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2.The petitioner has laid claim on the petition mentioned lands.

There is a long pending dispute between the writ petitioner on the one hand and the third respondent / temple on the other. The matter had gone right upto to the Hon'ble Supreme Court and it had been remanded to the file of the competent authority under Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Act, 1971. The writ petitioner is said to have been granted patta. The temple had filed revision before the District Revenue Officer challenging the grant of patta in favour of the writ petitioner.

3.In the meanwhile, according to the writ petitioner, his dwelling house was unlawfully demolished and the standing trees were cut by the officials associated with the third respondent / temple. He therefore filed W.P.(MD)No.22566 of 2019 for directing the respondents 4 to 6 to pay him compensation to the tune of Rs.5,00,000/- and consequential relief was also sought. The learned Single Judge vide order dated 25.11.2016 dismissed the writ petition in the following terms:-



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“6.The facts projected by the petitioner and available on record are different. This Court cannot conduct a roving enquiry into factual disputes. Be that as it may, if the execution proceedings are pending before the Court, where, as per the direction of the Honourable Supreme Court, the petitioner can raise all the issues and in case, the temple has illegally taken possession, he is entitled to get repossession for the premises from the very same Court. That being the case, the writ petitioner cannot main the present writ petition.

7.In the result, the writ petition is not maintainable and the same is liable to be dismissed. The question of quantum of compensation and another disputed facts raised in the writ petition are also not maintainable. Accordingly, this writ petition is dismissed. No costs.”

Questioning the same, this intra-court appeal has been filed.

4.Though the learned counsel for the appellant endeavoured to persuade us interfere in favour of the appellant, we are not persuaded by the said submissions. Admittedly, relief is sought against the respondents 4 to 6 who are private individuals. Even if the temple had carried out the act, it cannot be construed to be a “state” within the meaning of Article 12 of the Constitution of India for the purpose of these writ proceedings.



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The learned Single Judge rightly held that writ petition is not maintainable. We see no ground to interfere with the order of learned Single Judge and the writ appeal is dismissed. No costs

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(G.R.S. J.) & (M.J.R. J.)
14.02.2025

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