



W.P.(MD)No.3656 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

WP(MD)No.3656 of 2025

R.Seenivasan

... Petitioner

Vs.

1. The District Collector
Karur District, Karur.
2. The District Revenue Officer
Karur District, Karur.
3. The Revenue Divisional Office,
Kulithalai, Karur District.
4. The Tahsildar
Krishnarayapuram Taluk,
Karur District.
5. The Executive Officer
(Fit Person - Sri Ellaiamman and Sri
Vinayagar Temple Kuppatchipatti),
A/m. Kadambavaneshwar Temple,
Kulithalai, Karur District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the 2nd respondent through his proceedings vide Pa.Mu.C3/15791/2023 dated.26.06.2024 in respect of land in S.No. 735/2 to the extent of 2.66 Acres alone in Kuppatchipatti village, Krishnarayapuram Taluk, Karur District, and quash the same as illegal and consequently direct the 2nd respondent to pass orders to change the classification of land in S.No. 735/2 to the extent of 2.66 Acres from Arasu Prombokku to Ellaiamman Temple situated at Kuppatchipatti village, Krishnarayapuram Taluk, Karur District.

For Petitioners : M/s.S.Devasena

For Respondents : Mr.B.Saravanan
Additional Government Pleader
for R1 to R4

: Mr.P.Athimoolapandian for R5

ORDER

The petitioner challenges the order of the second respondent Pa.Mu.C3/15791/2023 dated 26.06.2024 and seeks for rectification of land in S.No. 735/2 to the extent of 2.66 Acres as “Ellaiamman Temple” instead of “Arasu Poramboke”.



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2. I have heard M/s.S.Devasena, the learned counsel appearing for the petitioners, Mr.B.Saravanan, learned Additional Government Pleader appearing for the respondents 1 to 4 and Mr.P.Athimoolapandian, learned counsel appearing for the fifth respondent.

3. The learned counsel for the petitioner would submit that even during the settlement proceedings, at the time of Inam Abolition, ryotwari Patta was issued in the name of the temple viz., Sri Ellaiamman Temple, by proceedings of the Settlement Tahsildar, Trichy, dated 29.09.1967. The said order has also attained finality before the Tribunal in C.M.A.No.13 of 1968 dated 12.04.1971 with the Tribunal modifying the order only to the extent of a patta being issued in the name of the devotee, represented by Trustee. Subsequently, 'A' register also reflected the name of petitioner temple, viz., Sri Ellaiamman Temple. The petitioner claims to be a hereditary trustee of the said temple, belonging to Jappala Reddiar community. 'A' Register is filed in support of the petitioner's claim. It clearly discloses that the right of Ellaiamman Temple has been recognised even in the revenue records.



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4. However, the learned Additional Government Pleader would submit that even prior to UDR, the revenue records were mutated and survey No. 735 /2 was classified as Government Poramboke land and only the remarks column, it was mentioned as Ellaiaimman Kovil. The order impugned in the writ petition dated 26.06.2024 rejects the case of the petitioner only on the ground that the name of the temple is mentioned only in the remarks column. However, the petitioner is able to show that the temple name was mutated even during Inam Settlement and the proceedings of the Settlement Tahsildar way back in the year 1967.

5. The petitioner is able to prima facie that the temple is entitled to rightful claim over survey No.735/2, which is not only based on revenue records, but even in the Settlement Tahsildar proceedings in the year 1967. Further, the Tahsildar's report is also in favour of the writ petitioner. Without considering all these factors, the second respondent passed the impugned order. Therefore, I am inclined to set aside the impugned order.



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6. In fine, this Writ Petition is disposed of and the impugned order passed by the second respondent dated 26.06.2024 is set aside and remit the matter to the second respondent for fresh consideration of the petitioner's application for reclassifying of the land. The second respondent shall besides giving an opportunity to the petitioner shall also take into account the proceedings of the Settlement Tahsildar dated 29.09.1967 as well as the subsequent mutation in the village re-settlement register ,reflecting the petitioner's name as patta title pattadhar /Inamdhar and shall pass considered order thereafter within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Index : Yes / No
NCC : Yes / No
LS

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P.B. BALAJI, J.

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Order made in
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Dated:
26.03.2025