



W.P.(MD)No.5193 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5193 of 2025

G.Rajamani

: Petitioner

Vs.

1. The Joint Commissioner,
HR & CE,
Ellis Nagar, Madurai.

2. The Executive Officer (HR & CE)
Arulmigu Veerabathra Swamy Temple,
Samayanallur, Madurai District.

3. K.Suthanthiran

: Respondent

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 and 2 herein to initiate criminal action against the 3rd respondent and his family members who are parties to the partition deed in Document No. 4170/1986 dated 27.10.1986 based on the representation of the petitioner dated 10.02.2024.

For Petitioner : Mr.A.K.Manikkam



W.P.(MD)No.5193 of 2025

WEB COPY

For Respondent : Mr.K.S.Selvaganesan

Additional Government Pleader
for R1 and R2

ORDER

This Writ Petition has been filed seeking a Mandamus to direct the respondents 1 and 2 to initiate criminal action against the third respondent and his family members, who are parties to the partition deed in Document No.4170/1986, dated 27.10.1986, based on the representation of the petitioner dated 10.02.2024.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing on behalf of the respondents 1 and 2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the third respondent is dispensed with.

3. Learned counsel for the petitioner submits that the Veerabadra Swamy Temple in Samayanallur Village, Madurai District, is

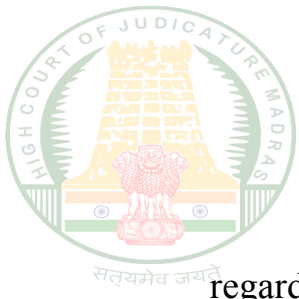


W.P.(MD)No.5193 of 2025

WEB COPY

administered by hereditary trustees and poojaries, including the petitioner. The lands in S.No. 49/9 (77 cents) and S.No. 49/11 (2 cents) belong to the temple, with over 75 years of patta and revenue records in the temple's name. On 03.11.1986, the third respondent, a government servant at that point of time, used his influence to fraudulently register a partition deed (Document No. 4170/1986) with his family, falsely claiming ownership of the temple properties. The deed was initially denied registration at the Sub Registrar Office (SRO) but was registered by the District Registrar, Madurai, without jurisdiction. Following this fraudulent registration, the third respondent and his family created encumbrances on the properties.

4. The learned counsel for the petitioner further submitted that the petitioner filed a representation on 09.05.2022 before the District Registrar (Admn), Madurai South, who conducted an inquiry and confirmed that the deed was fraudulent. The District Registrar issued proceedings on 17.08.2023, instructing the SRO to avoid further registration of documents based on the fraudulent partition deed. Despite the facts remain that, the first and second respondents have failed to initiate criminal action against the third respondent and his family. In this



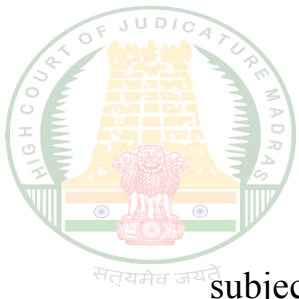
W.P.(MD)No.5193 of 2025

WEB COPY

regard, the petitioner submitted a further representation on 10.02.2024, but no action has been taken. The petitioner is thus constrained to file the present writ petition.

5. The learned Additional Government Pleader, appearing on behalf of the respondents 1 and 2, submits that proceedings under Section 78 of the Hindu Religious and Charitable Endowments Act, are already underway concerning the matter. It is further submitted that the representation made by the petitioner will be duly considered in accordance with law and appropriate action will be taken in due course.

6. Considering the submissions made by the learned Additional Government Pleader and also taking note of the ongoing proceedings under Section 78 of the Hindu Religious and Charitable Endowments (HR & CE) Act, this Court finds that the intervention of this Court is not warranted at this stage. However, there shall be a direction to the respondents 1 and 2, to consider the petitioner's representation dated 10.02.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the



W.P.(MD)No.5193 of 2025

WEB COPY

subject matter, within a period of three months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the third respondents 1 and 2 to consider the same on its own merits.

7. This writ petition stands disposed of with the above observations and directions. There shall be no order as to costs.

26.02.2025

Index : Yes / No

Internet : Yes / No

PKN

To

1. The Joint Commissioner,
HR & CE,
Ellis Nagar, Madurai.

2. The Executive Officer (HR & CE)
Arulmigu Veerabathra Swamy Temple,
Samayanallur, Madurai District.



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W.P.(MD)No.5193 of 2025

VIVEK KUMAR SINGH, J.

PKN

W.P.(MD) No.5193 of 2025

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