



W.P.(MD)No.7199 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.7199 of 2025

Arulmigu Sri Kannika Parameswari Amman Temple
Represented by its Managing Trustee
Chandrasekaran.

... Petitioner

Vs.

1.The Assistant Commissioner,
Tamil Nadu Hindu Religious &
Charitable Endowment Department,
Theni.

2.The Tahsildar,
Uthamapalayam Taluk,
Theni District.

3.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Devaram,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to remove the entry as 'Blocked' in the patta bearing Nos.1385, 2191 pertaining to the properties comprised in S.Nos.942/1B, 942/2, 910/3 to an extent of 0.4.50 hectares, 0.81.00 hectares, 0.88.50 hectares respectively situated at Devaram Village, Uthamapalayam Taluk, Theni District.



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W.P.(MD)No.7199 of 2025

For Petitioner : Mr.R.G.Shankar Ganesh
For R1 & R2 : Mrs.S.Jeyapriya
Government Advocate
For R3 : Mr.S.Deenadhayalan

ORDER

The petitioner has filed the present writ petition seeking issuance of writ of mandamus to direct the 2nd respondent to remove the entry 'Blocked' in the patta bearing nos.1385 and 2191 pertaining to properties comprised in S.Nos. 942/1B, 942/2, 910/3 measuring 0.4.50 hectares, 0.81.00 hectares, 0.88.50 hectares situated at Devaram Village, Uthamapalayam Taluk, Theni District.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

3. The case of the petitioner is that the petitioner temple is a denominational temple and decree has been granted by competent Civil Court in O.S.No.190 of 1977 by a judgment and decree, dated 30.06.1980. The said suit has become final, there is no appeal having been preferred by the 1st respondent.



W.P.(MD)No.7199 of 2025

The petitioner was issued patta and is in peaceful possession and enjoyment of the subject lands. However, all of a sudden, without any prior notice, the 2nd respondent has blocked the pattas mutated in the name of the petitioner Temple. In this regard, the petitioner has given a representation in person to the 2nd respondent on 09.12.2024 seeking removal of the entry 'Blocked' to enable the petitioner to enjoy the property, subject to the limitations prescribed under Section 34 of the Hindu Religious and Charitable Endowment Act.

4. The learned Government Advocate for the respondents 1 and 2, on written instructions, would submit that pending civil suit, W.P(MD)No.6948 of 2015 filed by the petitioner was allowed on 19.03.2019 and report was awaited as to whether any appeal was preferred by the 1st respondent. The 1st respondent has suffered a decree even as early as on 30.06.1980 and the same has become final. On the basis of the said judgment and decree, W.P(MD)No.6948 of 2015 came to be allowed by this Court way back on 19.03.2019. At this stage, it is not necessary for the authorities to seek for report from the 1st respondent as to whether any appeal has been preferred against the order of the Writ Court in W.P(MD)Nos.6948, 6896 & 6898 of 2015. In fact, as already stated, the Writ Court has allowed the writ petition only on the basis of the judgment and



W.P.(MD)No.7199 of 2025

decree, dated 30.06.1980 having become final.

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5. In view of the above, there is merit in the contention of the petitioner that the entry 'Blocked' in the patta issued to the petitioner is unsustainable. However, no positive direction can be issued in this writ petition without affording an opportunity to the parties concerned. Considering the fact that the petitioner has made a representation to the 2nd respondent on 09.12.2024, it would suffice to direct the 2nd respondent to consider the representation of the petitioner. Accordingly, the 2nd respondent is directed to consider the representation of the petitioner, dated 09.12.2024, on merits and in accordance with law and pass final orders regarding the entry 'Blocked', within a period of eight (8) weeks from the date of receipt of copy of this order.

6. With the above directions, this Writ Petition stands disposed of. No costs.

18.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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4/6



W.P.(MD)No.7199 of 2025

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W.P.(MD)No.7199 of 2025

P.B.BALAJI, J.

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W.P.(MD)No.7199 of 2025

18.03.2025