

W.P.(MD)No.9601 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.9601 of 2025

G.S.Kirupakaran

... Petitioner

Vs.

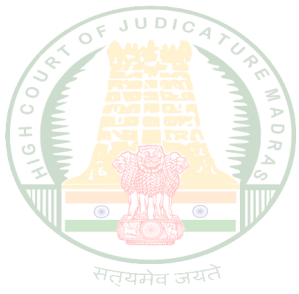
1.The Tahsildar,
Tiruchirapalli West,
Co-Abishekapuram Zone,
Trichy.

2.The Assistant Commissioner/Executive Officer,
Arulmigu Thayumanavar Swami Temple,
Malakottai,
N.S.B.Road,
Trichy-620 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to cancel the patta granted in favour of the 2nd respondent as indicated in the certificate extract from the town survey land register in respect of land in T.S.No.8/1 and consequently directing the 1st respondent to issue a fresh patta in the name of the petitioner as per his application, dated 25.11.2023 within a time frame fixed by this Court.

For Petitioner : Mr.B.Saravanan
Senior Counsel
for R.Surya Prakash



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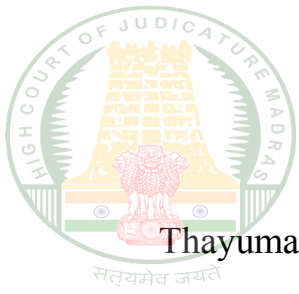
For R1 : Mr.M.Lingadurai
Special Government Pleader

For R2 : Mr.R.Murali

ORDER

Heard the learned counsel on either side.

2. The specific grievance of the petitioner is that though patta was mutated in the name of the vendor of the petitioner being Dharmapura Aadhinam mutt, without any notice or enquiry being conducted, patta has been mutated in the name of the 2nd respondent Temple. The learned Senior Counsel would invite my attention to the TSLR issued in favour of the 2nd respondent and would refer to the remarks column which indicates that patta has been changed pursuant to the proceedings, dated 19.12.2022. The learned Senior Counsel would forward the said proceedings, dated 19.12.2022, where there is a mention in the remarks column of the TSLR extract issued to the 2nd respondent. On the perusal of the said proceedings, it is clear that the said proceedings had nothing to do with transfer of patta, but it was only concerning subdivisions. There is no record to show as to how patta standing in the name of the Dharmapura Aadhinam mutt has been mutated in the name of the

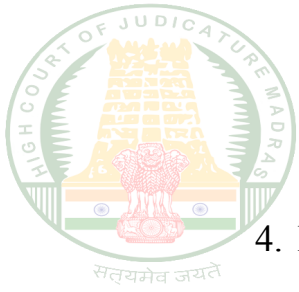


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Thayumanaswamy Kovil, especially, when Patta Passbook which has been

enclosed along with the typed set of papers clearly indicates that patta was standing in the name of the mutt only. Further, the learned Senior Counsel would also invite my attention to the appeal proceedings before the Commissioner, Hindu Religious and Charitable Endowments Department in Appeal No.24 of 1954 in and whereby the mutt was declared to fall outside the scope of the provisions of Hindu Religious and Charitable Endowments Act, 1951. Therefore, he would submit that the Temple cannot even assume right under the provisions of the HR & CE Act, since the mutt was declared to be private mutt, outside the definition of mutt under the HR & CE Act. The petitioner has given a representation to the 2nd respondent seeking cancellation of patta in the name of the Temple and to restore the patta in the name of the petitioner's vendor.

3. However, the learned Special Government Pleader would submit, on instructions, that an enquiry has been conducted based on the petitioner's representation referred herein above. He would further submit that District Revenue Officer is already seized of the matter and he is in the process of conducting inquiry.



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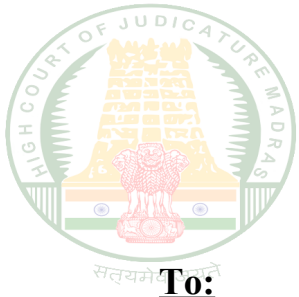
4. In view of the above, it would suffice to direct the District Revenue Officer, Tiruchirappalli to give opportunity to the petitioner's Dharmapura Aadhinam mutt as well as the 2nd respondent Temple and consider all their contentions, claims and objections before passing a considered order on merits and thereafter, take a call on the request of the petitioner seeking cancellation of patta issued to the 2nd respondent, in accordance with law. The said representation of the petitioner shall be disposed of after due enquiry conducted by District Revenue Officer, Tiruchirappalli. The said exercise shall be completed within a period of sixteen (16) weeks from the date of receipt of copy of this order. It is open to the petitioner to give a fresh detailed representation to the District Revenue Officer, Tiruchirappalli since the earlier representation was not addressed to him.

5. With the above direction, this Writ Petition stands disposed of. No costs.

04.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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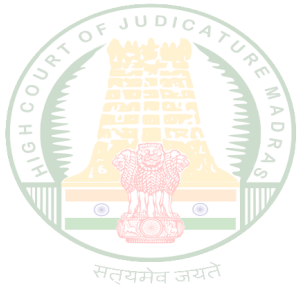


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P.B.BALAJI, J.

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