



W.P.(MD)No.9920 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.9920 of 2025

and

W.M.P(MD)Nos.7391 & 7392 of 2025

D.Kadhiyar

... Petitioner

Vs.

1.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Aruppukkottai Sub Division,
Virudhunagar District.

3.The Tahsildar,
Kariapatti Taluk,
Virudhunagar District.

4.The Head Quarters Deputy Tahsildar,
Kariapatti Taluk,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 4th respondent in T.R. 2023/0103/26/189351TR, dated 23.03.2023 and quash the same as illegal and



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unconstitutional, consequently direct the respondents to restore the names of the original temple trustees namely 1) Palani Moopar and 2) K.Durairaj in the Patta No.194 of Kariapatti Village, Kariapatti Taluk, Virudhunagar District in respect of Survey No.1/2 measuring 1.99.5 Hectare and include the petitioner's name as present trustee along with the legal heirs of predecessor-in-interest thereof.

For Petitioner : Mr.S.Balamurugan

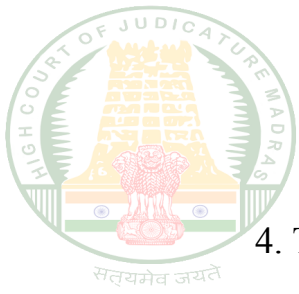
For Respondents : Mr.S.Lingadurai
Special Government Pleader

ORDER

The petitioner challenges the order of the 4th respondent mutating patta in the name of the Temple, revoking the earlier patta which stood in the names of the Temple trustees.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

3. The learned counsel for the petitioner submits that no opportunity was given to the petitioner before mutation of patta was given effect and even without inquiry, the order came to be passed by the 4th respondent.



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4. The learned Special Government Pleader, per contra, would submit that patta has only been mutated in the name of the Temple, admittedly, under whom alone the petitioner claims as a trustee. Therefore, the petitioner cannot contend that he is aggrieved by the said mutation of the patta in the name of the Temple. The learned counsel for the petitioner would submit that, by changing the patta in the name of the Temple, that too small village Temple, which is being managed by the family of the petitioner, the petitioner apprehends a sinister motive to take over the Temple.

5. Be that as it may, admittedly patta was standing in the name of the trustees of the Temple and rightly, as contended by the learned counsel for the petitioner, if there was any attempt to effect change / mutate the name in the patta, an opportunity ought to have been given to the persons in whose name patta was standing as on date.

6. The learned Special Government Pleader would invite my attention to the enquiry notice, dated 07.11.2022, calling upon the petitioner to attend enquiry with regard to the cancellation of patta standing in his name and for mutation in the name of the Temple. However, I do not find even a reference to



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the said notice in the impugned order and admittedly, the petitioner was not given an opportunity to present his claims / objections before the impugned order came to be passed.

7. Therefore, on this limited ground, I am inclined to set aside the order impugned the present writ petition. In fine, this writ petition is allowed and the order impugned in the writ petition passed by the 4th respondent is set aside and the matter is remitted to the 3rd respondent to conduct enquiry, hear the petitioner and pass final orders with regard to issuance of patta mutation pertaining to Karayamman Temple (Arulmigu Ammachiyar Amman Temple), Kariapatti Village, Virudhunagar District. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of copy of this order.

8. With the above direction, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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NCC:yes/no
Index:yes/no
Internet:yes/no
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P.B.BALAJI, J.

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