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W.A.(MD)Nos.648 & 649 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.A.(MD)Nos.648 & 649 of 2022

N.Vanitha Sanjay

... Appellant / Petitioner
in W.A(MD)No.648 of 2022

M.Senthilkumaran

... Appellant / Petitioner
in W.A(MD)No.649 of 2022

Vs.

1. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Chennai – 34.

2. The Executive Officer / Deputy Commissioner,
Arulmighu Subramania Swami Thirukoil,
Thiruparankundram,
Madurai.

... Respondents/Respondents
in both W.As.

Common Prayer: Writ Appeals filed under Clause 15 of Letters Patent Act, to allow the writ appeals and set aside the order made in W.P.(MD)Nos.22729 & 22785 of 2018 dated 13.04.2022 on the file of this Court.



(in both W.As.)

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For Appellants : Mr.PT.S.Narendravasan

For R-1 : Mr.K.S.Selvaganesan,
Additional Government Pleader.

For R-2 : Mr.V.Chandrasekaran

* * *

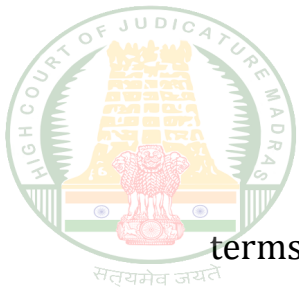
COMMON JUDGMENT

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2. The only issue in these writ appeals is whether the subject property belongs to the appellants or the second respondent temple.

3. The property had been included in the property register of the second respondent temple. The Commissioner, HR&CE vide communication dated 17.06.2017 permitted the Executive Officer to delete the said lands from the property register. This was subsequently recalled by the succeeding Commissioner and, in our view, is rightly so. This recall order was put to challenge in W.P. (MD)Nos.22729 and 22785 of 2018. The learned single Judge vide order dated 13.04.2022 dismissed the writ petitions in the following



terms:-

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“53.This issue has to be determined only by a Civil Court after a proper trial. Therefore, the 2nd respondent Temple cannot be forced to delete the survey numbers if there are no records to substantiate that the claimants had indeed complied with the terms of the proceedings of the Settlement Tahsildar, dated 15.05.1972.”

4. We are of the view that the learned single Judge adopted the right approach. It is not for the writ Court to decide the issue of title. Contentious facts are involved and only the jurisdictional civil Court can decide the issue. Leaving open the contentions of both the parties, this writ appeal stands dismissed. The appellant has to work out their rights before the jurisdictional civil Court. No costs.

(G.R.SWAMINATHAN, J.) & (M.JOTHIRAMAN, J.)
12th March 2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To:

The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Chennai – 34.



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G.R.SWAMINATHAN,J.

AND

M.JOTHIRAMAN, J.

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