



W.P.(MD) No.13459 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.07.2025

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.(MD) No.13459 of 2025
and W.M.P.(MD) No.9683 of 2025

S.Sankar Ganesh

... Petitioner

Vs

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The District Revenue Officer,
Sivagangai District,
Sivagangai.
3. The Revenue Divisional Officer,
Sivagangai Division,
Sivagangai.
4. The Tahsildar,
Sivagangai Taluk,
Sivagangai,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned Order passed by the 1st Respondent in Pa.Mu.P5/33392/2023 dated 19.04.2025 and quash the same as illegal and consequently direct the 2nd respondent to mutate patta in the Town



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Survey Land Register for Old Survey No.46/607 corresponding New Survey No.53 for an extent of 0.0070.0 and mutate patta in the Town Survey Land Register for Old Survey No.46/606 corresponding New Survey No. 54 for an extent of 0.0490.0 in the name of Veeramar Kovil Trustees, Sundaram Pillai (1) and Sundaresan (2) situated in Ward No.C Block No.09, Jaihind Street, Sivagangai Town, Sivagangai District within the time frame stipulated by this Court.

For Petitioner : Mr.R.R.Kannan
For Respondents : Mr.A.Baskaran,
Addl. Govt. Pleader

ORDER

This Writ Petition is filed challenging the order passed by the first respondent directing the modification in “Town Survey Land Register” [hereinafter referred to as “TSLR”] by deleting the names of Sundaram Pillai and Sundaresan [Trustees of Veeramar Kovil] and inclusion of the word “Temple”.

2. Heard the arguments of Mr.R.R.Kannan, learned counsel for the petitioner and Mr.A.Baskaran, learned Additional Government Pleader appearing for the respondents.



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3. It is the case of the petitioner that a temple called Veeranar Kovil is situated in Old Survey Nos.46/606 and 46/607 corresponding to Town Survey No.54 and 53 in Ward No.C, Block No.09, Sivagangai Town. The father of the petitioner Sundaresan and one Sundaram Pillai, father of the impleading petitioners in W.M.P.(MD)No.13955 of 2025 are the Trustees of the Veeranar Kovil. The TSLR stood in the name of Veeranar Kovil, represented by Trustees Sundaram Pillai and Sundaresan. Recently, the petitioner acquired knowledge that an entry has been made in the TSLR, as if the subject property belonged to Sundaram Pillai and Sundaresan in their capacity as Trustees of Vinayagar Kovil. Challenging the erroneous entry, the petitioner submitted a representation before the respondents 2 to 4 seeking rectification of TSLR and restoration of the same to its original position. The second respondent in his communication in Na.Ka.P5/33392/2023, dated 29.12.2023, directed the petitioner to appear for enquiry fixed on 09.01.2024. The petitioner appeared before the second respondent and submitted relevant old revenue documents to substantiate his claim that the TSLR originally stood in the name of Veeranar Kovil represented by its Trustees Sundaram Pillai and Sundaresan. Suddenly, the impugned order was passed by the first respondent, without conducting enquiry. Therefore,



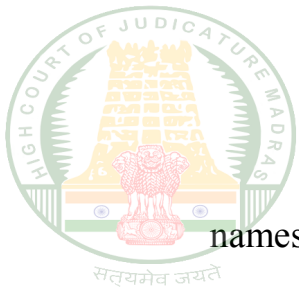
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the petitioner has come before this Court.

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4. The learned counsel for the petitioner would submit that under the provisions of the Tamil Nadu Patta Passbook Act, 1983, the first respondent is not a competent authority to decide the issue involved in this case. The learned counsel further submitted that the enquiry notice was issued by the second respondent and he has only conducted enquiry. However, the order has been passed by the first respondent. The learned counsel for the petitioner also referred to the extract of old 'A' Register and old TSLR to substantiate his claim that the property originally stood in the name of Veeramar Kovil.

5. A perusal of old 'A' Register would indicate that the subject property stood in the name of Veeramar Kovil. Likewise old TSLR also stood in the name of Veeramar Kovil represented by its Trustees Sundaram Pillai and Sundaresan. However, in the latest TSLR prepared by the respondents, the subject property is mentioned as property of Sundaram Pillai and Sundaresan in their capacity as Trustees of Vinayagar Kovil. The first respondent in the impugned order observed that it is not advisable to mention the individual names in respect of the property, in which the temple is situated and directed deletion of the



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names of Trustees and mentioning of the word “Kovil Land” in the TSLR.

6. Under the provisions of the Tamil Nadu Patta Passbook Act, 1983, the Tahsildar is the original authority. The Revenue Divisional Officer is the appellate authority and the District Revenue Officer is the revisional authority. The first respondent District Collector is not at all an authority empowered under the provisions of the Tamil Nadu Patta Passbook Act, 1983. Further, in the instance case, enquiry notice was issued by the second respondent and enquiry was also conducted by him. The first respondent without conducting any enquiry, passed the impugned order. Therefore, on this technical ground alone, the impugned order passed by the first respondent is liable to be set aside.

7. It is seen from the typed set of papers, the respondents 3 and 4 already recommended to second respondent to restore the TSLR in the name of Veerananar Kovil represented by its Trustees Sundaram Pillai and Sundaresan, based on old records. In these circumstances, the impugned order is set aside and the matter is remanded back to the file of competent authority viz., the second respondent to decide the same afresh in the



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light of the recommendation made by the respondents 3 and 4 and pass final orders on its own merits within a period of twelve (12) weeks from the date of receipt of a copy of this order, after issuing notice to the legal heirs of Sundaram Pillai and Sundaresan.

8. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No



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