



W.P.(MD) No.13799 of 2025 and etc. batch

BEFORE THE MADURAI BENGH OF MADRAS HIGH COURT

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RESERVED ON : 21.07.2025

PRONOUNCED ON : 26.08.2025

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.(MD)Nos.13799, 16327, 11401, 18472, 16273, 17409, 15939,
15940, 16269, 19434 to 19436 of 2025
and W.M.P.(MD)Nos.9955, 12394, 12395, 8452, 14170, 14171, 12368,
12369, 13273, 13275, 12065, 12069, 12361, 12364, 14939, 14945 and
14949 of 2025

W.P.(MD)No.13799 of 2025

S.Arputhamani

... Petitioner

Vs

**1. The Deputy Collector Cum
Presiding Officer, Revenue Court,
Tirunelveli.**

**2. The Executive Officer,
Arulmighu Sathiyavageswarar Thirukovil,
Kalakkad, Nanguneri Taluk,
Tirunelveli.**

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for records relating to the impugned order of the 1st respondent in P.T.No.306/2022 dated 20.12.2022 and the consequential impugned order passed in E.P.No. 226/2023 dated 18.10.2024 and quash all the orders in respect of S.Nos.



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371 and 423 to an extent of 1.55 acres.

(Prayer amended vide court order dated 09.07.2025 in WMP(MD)No. 13079/25 in WP(MD)No.13799/25 by SSJ)

For Petitioner : Mr.H.Arumugam
(in W.P.(MD)Nos.13799, 16327,
1401, 18472, 16273, 17409,
15939, 16269 & 15940/2025

Mr.R.J.Karthick in
W.P.(MD)Nos.19434 to 19436/2025

For Respondents : Mr.A.Baskaran,
Addl. Govt. Pleader for R1 (In all W.Ps)

Mr.S.Manohar for R2 (In all W.Ps)

COMMON ORDER

The Writ Petitions in W.P.(MD)Nos.13799, 16327, 11401, 18472, 16273, 17409, 15939, 15940 and 16269 of 2025 are filed challenging the orders of eviction passed by the Revenue Court and the consequential orders of enforcement.

2. The Writ Petitions in W.P.(MD)Nos.19434 to 19436 of 2025 are filed challenging the orders of enforcement passed by the revenue Court, pursuant to the eviction orders passed earlier.

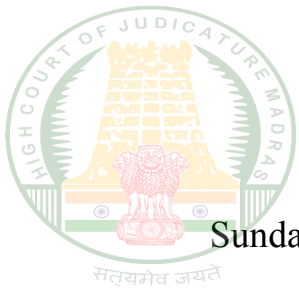


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3. W.P.(MD)Nos.13799, 15939 and 15940 of 2025 are filed by the petitioners claiming themselves as cultivating tenants under second respondent temple. In all the above three cases, eviction petition was filed by the second respondent temple against one Subbiah and Lakshmanan. According to the second respondent, 2.86 acres of land in S.Nos.693, 371, 423 and 390 of Kalakkad Village, Nanguneri Taluk, Tirunelveli was leased out in favour of one Subbiah. After the death of said Subbiah, his grandson Lakshmanan had been cultivating the subject properties. Hence, eviction petition was filed against him and the said Subbiah in P.T.No.306 of 2022 on the file of the Revenue Court, Tirunelveli and the order of eviction was passed on 20.12.2022, as respondents therein failed to pay the arrears of rent as directed. Subsequently, an execution petition was filed seeking enforcement of the eviction order in E.P.No.226 of 2023 and the said application was allowed on 18.10.2024. Subsequently, the second respondent also said to have taken possession on 28.03.2025.

4. According to the petitioners in W.P.(MD)Nos.13799, 15939 and 15940 of 2025, after the death of Subbiah, his two sons Nambi and one



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Sundarrajan were cultivating separate portions of subject property with an extent of 1.34 acres and 1.55 acres respectively. The said Nambi also died and after his death, there was family arrangement among his sons Sureshkumar, Raman and Lakshmanan (2nd respondent in eviction petition). 55 cents of subject property was cultivated by Sureshkumar, 39 cents of subject property was cultivated by Raman and another 39 cents of subject property was cultivated by Lakshmanan. The petitioners in W.P.(MD)Nos.13799, 15939 and 15940 of 2025, claiming themselves as wives of above said Sundarrajan, Sureshkumar and Raman, filed the instant Writ Petitions on the ground that though portion of the subject property has been under their cultivation as heirs of above said Sundarrajan, Sureshkumar and Raman, the eviction petition has been filed against deceased Subbiah and one of the sons of Nambi viz., Lakshmanan alone.

5. W.P.(MD)No.16327 of 2025 is arising out of eviction petition filed by second respondent temple against one Muthusamy Dravidar and one Madhavan. The above said Writ Petition has been filed by one Dhanavathi, claiming herself as a present cultivating tenant of the subject property. It is the case of the petitioner that the subject property was



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originally leased out in favour of one Muthusamy Dravidar and later, it was cultivated by one Pandi Nadar. The petitioner is the daughter of Pandi Nadar's brother. She claims that she and her family members have been cultivating the subject property and eviction petition was filed by the second respondent temple only against the deceased Muthusamy Dravidar and the petitioner's brother Mathavan, without impleading the petitioner.

6. W.P.(MD)No.11401 of 2025 has been filed by one Murugan, who suffered an order of eviction in an application filed by the second respondent temple before the revenue Court. The petitioner was arrayed as second respondent in the said eviction petition along with his father Vaigunda Perumal, who was arrayed as first respondent. The petitioner challenges the order of eviction on the ground that no notice was issued to him prior to the eviction order and the copy of the eviction order was also not served on him.

7. W.P.(MD)No.18472 of 2025 has been filed by one Kamaraj Nadar, who was arrayed as third respondent in the eviction petition. The impugned order has been challenged mainly on the ground that no notice



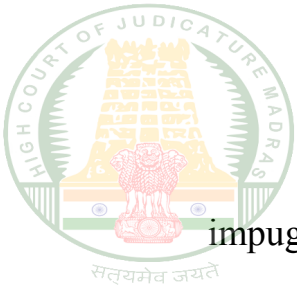
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was served on the petitioner prior to the eviction order and copy of the eviction order also was not served on him.

8. W.P.(MD)No.16273 of 2025 has been filed by one Narayanan claiming himself as relative of one Pandi Nadar, who cultivated the land after the demise of one Velu Dravidar, who was the original cultivating tenant of the subject property. This Writ Petition has been filed mainly on the ground that eviction order was obtained against one Velu Dravidar, who died long back. Hence, according to the petitioner, the eviction order is a nullity.

9. W.P.(MD)No.17409 of 2025 has been filed by one Perumal Sait, who was arrayed as second respondent in the eviction petition. The impugned order was challenged mainly on the ground that no enquiry notice was issued to the petitioner prior to the eviction order and the copy of the eviction order also was not served on the petitioner.

10. W.P.(MD)No.16269 of 2025 has been filed by one Umanathan, who was arrayed as second respondent in the eviction petition. The

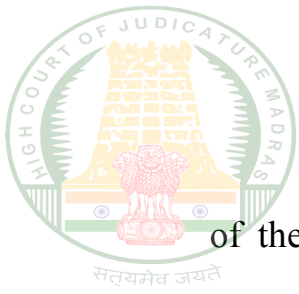


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impugned order was challenged mainly on the ground that no enquiry notice was issued to the petitioner prior to the eviction order and copy of the eviction order also was not served on the petitioner.

11. W.P.(MD)Nos.19434 to 19436 of 2025 have been filed by one Balasubbaian, challenging the enforcement orders passed by the Revenue Court in the execution Petitions. The petitioner has been arrayed as second respondent in the petitions before the revenue Court. The eviction orders passed against the petitioner have been challenged by him by filing revisions before the District Court and the present Writ Petitions are filed only against the consequential enforcement orders.

12. The learned counsel appearing for the petitioners submitted that in most of the Writ Petitions, the original cultivating tenants, to whom the properties were originally leased out, are no more and the properties have been under the cultivation of the petitioners herein and the petitioners paid rent to the temple in the name of original cultivating tenants and the same was accepted by the temple. In such circumstances, the eviction orders obtained by the second respondent by arraying some



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of the descendants of the original cultivating tenants are untenable in law. The learned counsel further by relying Rule 45 of “The Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Rules, 1962” (hereinafter referred to as “the Public Trusts Rules”) submitted that no enquiry notice was served on the petitioners prior to the passing of eviction orders and copy of the eviction orders were also not served on the petitioners. Hence, the eviction orders as well as the consequential enforcement orders passed by the Revenue Court were vitiated by non-compliance of Rules 45 and 46 of the Public Trusts Rules.

13. The learned counsel for the petitioners further submitted that the revenue Court passed direction to the respondents therein and the petitioners herein in some cases, to pay the arrears of rent for a period of more than 16 years. By relying on Section 19(3) of “The Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961” (hereinafter referred to as “the Public Trusts Act”), the learned counsel for the petitioners further submitted that the revenue Court can only direct payment of arrears for a period of 3 years and the direction to pay arrears for the period of more than three years is untenable in law.



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14. Per contra, the learned counsel appearing for the contesting second respondent would submit that against the impugned orders passed by the revenue Court, under Section 22 of the Public Trusts Act, the petitioners have got remedy of filing revision before the District Court and therefore, the present Writ Petitions are not at all maintainable due to their failure to avail alternative remedy. The learned counsel appearing for the second respondent further submitted that the third party petitioners who filed the Writ Petitions in W.P.(MD)Nos.13799, 15939, 15940, 16273 and 16327 of 2025 are not cultivating tenants under the temple. Therefore, the Writ Petitions filed by them are not maintainable.

15. The learned counsel appearing for the second respondent further submitted that pursuant to the eviction orders and the consequential enforcement orders passed by the revenue Court, possession had been taken in all cases on 28.03.2025 and therefore, the petitioners who challenged the eviction orders, nearly after 2 ½ years are prevented by doctrine of laches from maintaining the Writ Petitions.

16. Heard the arguments of respective learned counsel appearing

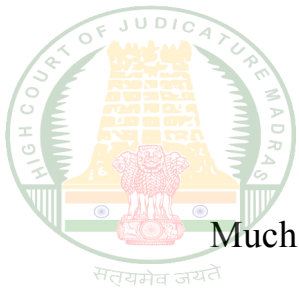


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for the petitioners, the learned Additional Government Pleader appearing for the first respondent and the learned counsel appearing for the second respondent temple.

W.P.(MD)Nos.13799, 15939, 15940 and 16327 of 2025

17. The petitioners in W.P.(MD)Nos.13799, 15939, 15940 and 16327 of 2025 were filed by third party petitioners, who were not arrayed as respondents in the eviction petitions filed by the second respondent. It is the specific case of the second respondent that these petitioners are not cultivating tenants under the temple. It is not in dispute that the properties were originally leased out in favour of first respondent in the respective eviction petitions. According to the second respondent, after the death of first respondent in the eviction petitions, the properties are being cultivated by the person arrayed as second respondent in the eviction petitions. The petitioners in these Writ Petitions have not produced any documents to show that their names have been entered as cultivating tenants either in the register maintained by the Record Officer under the provisions of the Tamil Nadu Agricultural Lands Record Of Tenancy Rights Act, 1969 or in the records maintained by the temple.



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Much emphasis was made by the learned counsel appearing for the petitioners on certain rental receipts issued by the second respondent for having received the rent from the petitioners.

18. A close perusal of the rental receipts produced by the petitioners in these Writ Petitions make it clear that rent was paid only in the name of the original cultivating tenants. If the writ petitioners are in cultivation of the subject properties, they could have approached the temple authorities for entering their names in the register maintained by the temple. Till date, they have not taken any action to register their names as cultivating tenants in the records of the temple. Further, they have not filed any application before the Record Officer under the Tamil Nadu Agricultural Lands Record Of Tenancy Rights Act, 1969 for entering their names as cultivating tenants. Even assuming the petitioner's case that they are all the legal heirs of original cultivating tenants are accepted as true, in the absence of evidence to show that petitioners contribute their physical labour in cultivation of the properties, they cannot be accepted as cultivating tenants. Therefore, the second respondent rightly not recognised the petitioners as cultivating tenants and filed eviction petitions only against the descendants/legal



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heirs of original cultivating tenants by arraying the said persons as second respondent in the eviction petitions along with the original tenant.

19. The learned counsel appearing for the petitioners vehemently contended that the eviction petitions filed by the second respondent temple against the deceased original cultivating tenants were not at all maintainable and therefore, the orders of eviction as well as the subsequent enforcement orders shall be treated as nullity. Even though the eviction petitions were filed against the deceased tenants, their descendants/legal representatives, who are actually cultivating the properties as on today, had been arrayed as second respondent in the eviction petitions. In most of the cases, either notice was served on them or they entered appearance before the revenue Court. Notice to one of the legal representatives is deemed to be the notice to the entire estate. In the absence of any clinching material to suggest that the petitioners are really cultivating the subject properties by contribution of physical labour, the petitioners cannot take advantage of the fact that they were not arrayed as a party to the eviction petitions. If really the petitioners were cultivating the properties at the time of taking possession by the second respondent, the petitioners by virtue of their alleged physical



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possession should have raised objection against execution of eviction orders. After obtaining eviction orders against the persons arrayed as second respondent in the respective petitions, the 2nd respondent enforced the same and had taken possession as early as on 28.03.2025. In these circumstances, this Court is not inclined to entertain the Writ Petitions filed by the Writ Petitioners in W.P.(MD)Nos.13799, 15939, 15940 and 16327 of 2025 as their status as cultivating tenants is under dispute. Hence, they are not entitled to raise the plea of violation of natural justice principles and attempt to bypass the alternative remedy of revision available under the statute. Therefore, all these Writ Petitions are dismissed.

W.P.(MD)Nos.19434 to 19436 of 2025

20. Writ Petitions in W.P.(MD)Nos.19434 to 19436 of 2025 are filed by the second respondent in the eviction petitions challenging the enforcement orders. It is not in dispute, the original orders of eviction were challenged by the petitioner before the District Court by filing revisions under Section 22 of the Public Trusts Act. In these Writ



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Petitions, the Writ Petitioner raised various points on the correctness or otherwise of the eviction orders passed against him. When the Writ Petitioner already availed the alternative remedy of revision and challenged the eviction orders before the District Court, he is not entitled to challenge the correctness of eviction orders in the Writ Petitions filed against consequential enforcement orders. A close reading of the grounds raised in the Writ Petitions would indicate that except ground No.(g), all the grounds are relating to earlier eviction orders passed against the petitioner, which was challenged by way of revision before the District Court. Therefore, the petitioner is at liberty to canvass those grounds in the revision filed by him before the District Court and he is not entitled to canvass those grounds by challenging the consequential orders of enforcement.

21. The learned counsel for the petitioner submitted that though the petitioner made two payments on 22.01.2024 and 24.06.2024, which were subsequent to the eviction orders, the same have not been considered at the time of passing enforcement orders. It is stated that the counter filed by the petitioner to the execution petitions has not been taken into consideration. The petitioner paid a sum of Rs.25,168/- on



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22.01.2024 and a sum of Rs.27,983/- on 24.06.2024. Therefore,

subsequent to the eviction orders, he paid a sum of Rs.53,151/-. A perusal of the impugned orders would suggest that the petitioner was directed to pay rental arrears to the tune of 334 Kottai 04 Marakkal of paddy in P.T.No.314/2022, 212 Kottai 5 Marakkal 6 Padi of paddy in P.T.No.315 of 2022 and 244 Kottai 06 Padi of paddy in P.T.No.316 of 2022. In all, the petitioner was directed to pay 790 Kottai 9 Marakkal 12 Padi of Paddy to the second respondent. 1 Kottai of paddy is said to be 140 Kgms, 1 Marakkal of Paddy is said to be 6.67Kg and 1 Padi is said to be 0.83Kg. Therefore, the total paddy payable by the petitioner as per the earlier eviction orders are to the tune of Rs.1,10,669.99 Kgs of paddy. Even by conservative estimate, the value of above said quantity of paddy would be more than Rs.15 lakhs. The petitioner only paid a sum of Rs. 53,151/-, subsequent to the eviction orders.

22. In these circumstances, the direction issued by the revenue Court to pay the arrears has not been properly complied with and therefore, the eviction orders were passed and even thereafter, he failed to pay the arrears and hence, the enforcement orders have been passed. Further any payment made by the petitioner subsequent to the eviction



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orders will not nullify the orders of eviction, unless the same are set aside in the manner known to law by the revisional Court in a revision filed by the petitioner under Section 22 of the Public Trusts Act. In the case on hand, the petitioner only paid a portion of rental arrears subsequent to the alleged eviction orders. In such circumstances, I do not find any error in the impugned enforcement orders passed by the revenue Court. Even according to the petitioner, he filed a counter to the execution petitions filed by the second respondent. Therefore, there is no violation of natural justice principles. In such circumstances, I do not find anything to interfere with the impugned orders passed by the revenue Court and accordingly, these Writ Petitions stand dismissed.

W.P.(MD)No.11401 of 2025

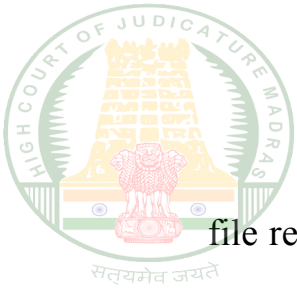
23. The second respondent in the eviction petition is the Writ Petitioner herein. The impugned orders of eviction and enforcement were challenged mainly on the ground of absence of enquiry notice and non service of eviction order.

24. The learned Additional Government Pleader appearing for the



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first respondent produced the original records in P.T.No.302 of 2022. A perusal of the same would indicate that the petitioner was present before the revenue Court on the date of hearing on 20.09.2022, 27.10.2022 and 20.12.2022. In fact in para 5 of the petitioner's affidavit there is an admission that the petitioner appeared for enquiry before the revenue Court. Therefore, the contention of the petitioner that no enquiry notice was issued to him is rejected. Hence, there is no violation of natural justice principles before passing eviction order. However, the first respondent has not produced any material to show that the impugned order of eviction was served on the petitioner. Though there is an endorsement in the original eviction order that the copy of the same was despatched, the date of despatch is not mentioned and the same was also not signed by any Officer. Hence, the mandatory procedure under Rules 45 and 46 of the Public Trusts Rules are not complied with. Hence, this Court feels that in the absence of service of eviction order on the petitioner, he may not be in a position to challenge the same before the District Court by filing a revision under Section 22 of the Public Trusts Act. Therefore, the first respondent is directed to serve copy of the eviction order passed against the petitioner within three weeks from the date of receipt of a copy of this order to the petitioner to enable him to



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file revision before the District Court. The petitioner is permitted to file revision before the District Court, Tirunelveli, within 30 days from the date of receipt of copy of the order of eviction. The said Court is directed to dispose of the same as expeditiously as possible, preferably within a period of six months from the date of numbering of revision. The subsequent enforcement order without serving order of eviction is not proper. It is not in dispute that the eviction order was already enforced and possession had been taken over by the 2nd respondent. In the writ affidavit petitioner admitted that photo copy of eviction order was served on him. In these circumstances, this Court is not inclined to disturb the enforcement order which has been already given effect by delivery of possession to 2nd respondent. However, it is made clear, in case the petitioner succeeds in his revision before the District Court, he is entitled to restitution of possession.

25. With these directions, this Writ Petition stands disposed of.

W.P.(MD)No.16269 of 2025



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26. This Writ Petition is filed by the second respondent before the revenue Court in the eviction petitions filed by the second respondent herein, the temple. The impugned orders were challenged mainly on the ground that no proper enquiry notice was issued to the petitioner and copy of the eviction orders were not served in terms of Rules 45 and 46 of the Public Trusts Rules.

27. A perusal of the original records produced by the first respondent would indicate that the petitioner was present before the revenue Court on the date of hearing on 20.09.2022 and 16.11.2022. Therefore, the contention that no enquiry notice was issued to the petitioner is rejected. However, the first respondent has not produced the acknowledgement for service of impugned orders of eviction on the petitioner. Though there is an endorsement in the impugned orders that the same was sent to the petitioner on 23.06.2023, the acknowledgement signed by the petitioner for having received the same or the returned cover has not been produced before this Court. Hence, the mandatory procedure under Rules 45 and 46 of the Public Trusts Rules are not complied with. Therefore, this Court feels that in the absence of service of eviction orders on the petitioner, he may not be in a position to



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challenge the same before the District Court by filing a revision under

Section 22 of the Public Trusts Act, 1961. Therefore, the first respondent is directed to serve copy of the eviction order passed against the petitioner within three weeks from the date of receipt of a copy of this order to the petitioner to enable him to file revision before the District Court. The petitioner is permitted to file revision before the District Court, Tirunelveli, within 30 days from the date of receipt of copy of the order of eviction. The said Court is directed to dispose of the same as expeditiously as possible, preferably within a period of six months from the date of numbering of revision. The subsequent enforcement order without serving order of eviction is not proper. It is not in dispute that the eviction order was already enforced and possession had been taken over by the 2nd respondent. In the writ affidavit petitioner admitted that photo copy of eviction order was served on him. In these circumstances, this Court is not inclined to disturb the enforcement order which has been already given effect by delivery of possession to 2nd respondent. However, it is made clear that in case the petitioner succeeds in his revision before the District Court, he is entitled to restitution of possession.



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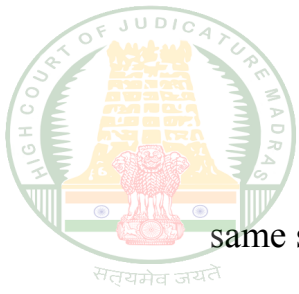
28. With these directions, this Writ Petition stands disposed of.

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W.P.(MD)No.16273 of 2025

29. This Writ Petition has been filed by one Narayanan, who was not arrayed as party before the revenue Court. The petitioner claims that he is the present cultivating tenant of the subject property. Similar cases filed by the third parties were dismissed by this Court in the earlier paragraph of this order. However, in view of the peculiar circumstances available in this case, this Court is constrained to take a different view.

30. A perusal of the impugned order of eviction would indicate that the eviction petition was filed against one Velu Dravidar, who was the original tenant under the temple. A perusal of the original records produced by the first respondent would indicate that the Presiding Officer of the revenue Court in her order dated 20.09.2022, clearly recorded that the respondent Velu Dravidar was no more and his legal representatives have to be impleaded. However, in the next hearing, she recorded the absence of deceased person and proceeded with the enquiry. Since the impugned order has been passed against a dead person, the



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same shall be treated as a nullity and accordingly, the same is set aside.

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31. Since the petitioner's status as a cultivating tenant is under dispute, I am not inclined to direct that the petitioner shall be put into the possession of subject property immediately. The matter is remanded back to the file of first respondent. The 2nd respondent shall implead legal heirs of original tenant. The eviction petition shall be considered afresh and final orders shall be passed within a period of six (6) months from the date of receipt of a copy of this order. It is open to the petitioner to establish his status as a cultivating tenant before the first respondent by impleading himself as a party respondent. If the legal heirs of Velu Dravidar seeks restitution of possession, the same shall be considered on its own merits. In case, the petitioner succeeds before the Revenue Court, he is entitled to restitution of possession. Till the execution petition is disposed of afresh, the 2nd respondent shall not lease out the property to 3rd parties and *status quo* shall be maintained.

32. With the above observation, this Writ Petition stands allowed.

W.P.(MD)No.17409 of 2025

33. A perusal of the original records would suggest that the



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petitioner, who was arrayed as second respondent appeared for enquiry on 16.11.2022 before the revenue Court and hence, the contention that enquiry notice was not served is rejected. Though there is an endorsement that the copy of the order was despatched to the petitioner on 09.03.2023, the first respondent has not produced any acknowledgement signed by the petitioner for service of copy of the order. Therefore, the mandatory procedure under Rules 45 and 46 of the Public Trusts Rules are not complied with. Therefore, this Court feels that in the absence of service of eviction order on the petitioner, he may not be in a position to challenge the same before the District Court by filing a revision under Section 22 of the Public Trusts Act. Therefore, the first respondent is directed to serve copy of the eviction order passed against the petitioner within three weeks from the date of receipt of a copy of this order to the petitioner to enable him to file revision before the District Court. The petitioner is permitted to file revision before the District Court, Tirunelveli, within 30 days from the date of receipt of copy of the order of eviction. The said Court is directed to dispose of the same as expeditiously as possible, preferably within a period of six months from the date of numbering of revision. The subsequent enforcement order without serving order of eviction is not proper. It is



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not in dispute that the eviction order was already enforced and possession had been taken over by the 2nd respondent. In the writ affidavit petitioner admitted that photo copy of eviction order was served on him. In these circumstances, this Court is not inclined to disturb the enforcement order which has been already given effect by delivery of possession to 2nd respondent. However, it is made clear that in case the petitioner succeeds in his revision before the District Court, he is entitled to restitution of possession.

34. With these directions, this Writ Petition stands disposed of.

W.P.(MD)No.18472 of 2025

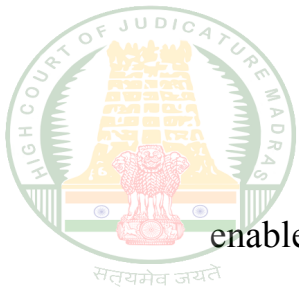
35. This Writ Petition is filed challenging the order of eviction and consequential enforcement order passed by the first respondent. The petitioner was arrayed as third respondent in the eviction petition. The eviction order passed by the revenue Court was challenged on the ground that no prior enquiry notice was issued and copy of the eviction order was not served on the petitioner in terms of Rules 45 and 46 of the Public Trusts Rules. The consequential enforcement order was challenged by



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the petitioner on the ground that he was not arrayed as party in the enforcement order, though he was arrayed as party in the eviction order.

36. A perusal of the original records produced by the first respondent would indicate that the petitioner, who was arrayed as third respondent in the eviction petition was present before the revenue Court on 27.10.2022 and 16.11.2022. Therefore, the contention that no enquiry notice was served on the petitioner was rejected. However, the first respondent failed to produce the acknowledgement signed by the petitioner for having served the eviction order on him. Though there is an endorsement in the original eviction order, as if it was despatched on 23.06.2023, the acknowledgement signed by the petitioner or the returned cover has not been produced. Hence, the mandate under Rules 45 and 46 of the Public Trusts Rules are not complied with. Hence, there is a violation of natural justice principles. In the absence of service of eviction order, the petitioner will not be in a position to challenge the same before the District Court by filing a revision under Section 22 of the Public Trusts Act. Therefore, the first respondent is directed to serve copy of the eviction order passed against the petitioner within three weeks from the date of receipt of a copy of this order to the petitioner to

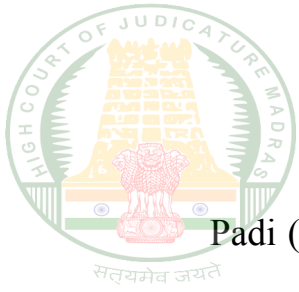


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enable him to file revision before the District Court. The petitioner is permitted to file revision before the District Court, Tirunelveli, within 30 days from the date of receipt of copy of the order of eviction. The said Court is directed to dispose of the same as expeditiously as possible, preferably within a period of six months from the date of numbering of revision.

37. A perusal of the consequential order of enforcement would indicate that the petitioner was not at all made as a party in the execution petition. Though the petitioner was arrayed as third respondent in the eviction petition, without impleading the petitioner as a party respondent in execution petition in E.P.No.220 of 2023, the enforcement order was passed. Therefore, there is a clear violation of natural justice in ordering enforcement of the eviction order. In these circumstances, the consequential enforcement order is liable to be set aside and the petitioner is entitled to restoration of possession. The Writ Petition deserves to be allowed to that extent.

38. A perusal of the impugned orders would indicate that the petitioner was directed to pay the value of 174 Kottai, 20 Marakkal 1



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Padi (equivalent to 24,494.23 Kgs) of paddy for 16 Fasali years. Taking into consideration the said fact, the petitioner is directed to deposit a sum of Rs.1,50,000/- (Rupees One Lakh only) as balance of arrears of amount as a precondition for restitution of possession, to the credit of P.T.No. 317/2022, within a period of twelve (12) weeks from today. On deposit of such amount, the petitioner shall be restored with possession of the subject property. It is made clear that the amount deposited by the petitioner is only a tentative amount and the actual amount payable by the petitioner for a period of 16 years shall be calculated by the District Court based on the paddy price on respective years. In case, the amount fixed by this Court is found to be less than the actual amount payable by the petitioner, the petitioner is liable to pay the said amount within the time fixed by the District Court. In case, the amount fixed by this Court is in excess of amount payable by the petitioner, the excess amount shall be adjusted with future rent. The District court is directed to take the revision petition on its file and dispose of the same by following due procedure established by law, within a period of six (6) months from the date of numbering of the same. The second respondent temple is permitted to withdraw the amount deposited by the petitioner by filing appropriate application before the revenue Court. The restoration of



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possession in favour of petitioner is subject to final order to be passed by the District Court. In case order of eviction is confirmed by the District Court, the 2nd respondent is entitled to seeks enforcement of the same against the petitioner by making him as a party in the enforcement petition.

39. With the above direction, this Writ Petition stands allowed to the extent mentioned above.

40. In the result,

(a) The Writ Petitions in W.P.(MD)Nos.13799, 15939, 15940, 16327 and 19434 to 19436 of 2025 are dismissed;

(b) The Writ Petitions in W.P.(MD)Nos.11401, 16269 and 17409 of 2025 are disposed of with direction to the District Court to dispose of the revision petitions to be filed by the petitioners as stated above;

(c) The Writ Petition in W.P.(MD)No.16273 of 2025 stands allowed and the matter is remitted to the file of Revenue Court for fresh disposal as indicated above; and

(d) The Writ Petition in W.P.(MD)No.18472 of 2025 is partly allowed as indicated above. There shall be no order as to costs.



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Consequently, connected miscellaneous petitions are closed.

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26.08.2025

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Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No

S.SOUNTHAR, J.

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To

1. The Deputy Collector Cum
Presiding Officer, Revenue Court,
Tirunelveli.
2. The Executive Officer,
Arulmighu Sathiyavageswarar Thirukovil,
Kalakkad, Nanguneri Taluk,
Tirunelveli.

Pre-delivery Common Order in
W.P (MD)No.13799, 16327, 11401, 18472,
16273, 17409, 15939, 16269, 15940,
19434 to 19436 of 2025



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26.08.2025