



W.P.(MD)No.14332 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : **27.02.2025**

Delivered on : **10.03.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.14332 of 2023

and

W.M.P.(MD)No.716 of 2025 1.Palani

2.Raman

3.Duraisamy

... Petitioners

/Vs./

1. The District Collector,

Dindigul District,Dindigul.

2.The Assistant Commissioner,

Hindu Religious & Charitable Endowment

Department, Dindigul.

3.The District Revenue Officer,

Collectorate, Dindigul,

Dindigul District.

4.The Tahsildar,

Natham, Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining the impugned order in Na.Ka.No.293184/2022/T6 dated



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27.03.2023 passed by the third respondent and quash the same and consequently, directing the respondents to the petitioners claim to be a hereditary priest of Vellakalamman Temple instead of Samuthirapatti Vellakalamman temple.

For Petitioners : Mr.S.Muthupandi

For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

This writ petition has been filed seeking to quash the impugned order in Na.Ka.No.293184/2022/T6 dated 27.03.2023 passed by the third respondent and to consequently, directing the respondents to accept the petitioners' claim of being a hereditary Priest of Vellakalamman Temple instead of Samuthirapatti Vellakalamman temple.

2. I have heard Mr.S.Muthupandi, learned counsel for the petitioners and Mr.C.Satheesh, learned Government Advocate for the respondents.



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3. The case of the petitioner is that the property in SR File No. 404/M1.Act/MLR/67 dated 18.12.1967 was under the pattadhar name Vellakalamman Temple by priest Andia Goundar's wife Manjammal. It is comprised in survey Nos.72/2 and 72/5. The patta issued by the fourth respondent in patta No.436 is in the name of Samuthirapatti Vellakalamman Temple, by Priest Andia Goundar temple, represented by his wife Manjammal. The said Manjammal died on 06.12.1981.

4. According to the petitioners, after the death of said Manjammal, the petitioners, who are the legal heirs of said Manjammal, have been managing and protecting the said temple and the petitioner's mother, viz., Manjammal, approached the Deputy Commissioner for Hindu Religious and Charitable Endowment (Administration) Department, Madurai, by making an application under Section 63(b) of the HR & CE Act, 1959 in O.A.No.55 of 1975 and the same was allowed by order dated 30.06.1976 declaring that the petitioner holds office as the hereditary Trustee of the temple.



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5. It is also the case of the petitioners that after the demise of their mother, patta was also changed in their names. It is the further case of the petitioner that Arulmighu Vellakalamman Temple is under the control of the Forest Department, Natham Taluk, Dindigul District and in respect of major portions of the lands, the petitioners are cultivating maize (S.No. 72/5 to an extent of 25 cents) coconut, banana, brinjal with concrete house (S.No.72/2). On 02.12.2024, the HR & CE Department, attempted to auction the property, where the temple has been constructed. The petitioners objected and the auction was also cancelled. The second respondent / Assistant Commissioner of Hindu Religious & Charitable Endowment Department, Dindigul, preferred an appeal on 26.05.2022 to the District Revenue Officer, Dindigul and in and by order dated 27.03.2023 in Na.Ka.No.293184/2022/D6, the third respondent, after conducting a detailed enquiry through the Deputy Tahsildar, and relying on the report of the Deputy Tahsildar, dated 03.11.2022, ultimately held that the HR & CE Department was entitled to the claim of mutation of patta in the name of Samuthirappatti Vellakalamman Temple and accordingly directed the revenue records to be mutated in the name of the



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temple and cancelled the patta issued in the name of the petitioners. It is this order, that is challenged in the present writ petition.

6. The learned counsel for the petitioners would submit that even during the Land registering Development Scheme, way back in the year 1984, the patta stood only in the name of the mother of the petitioners and subsequent to the demise of the petitioners' mother, Manjammal in 1981, the petitioners alone had been in absolute possession and enjoyment of the lands including managing and taking care of the administration of the temple. The learned counsel for the petitioners would place reliance on the order passed by the Joint Commissioner in O.A.No.55 of 1975 dated 30.06.1976, where it has been found that there are no objections to the claim of the petitioners' mother, who was appointed as the Hereditary Trustees for the temple. The learned counsel for the petitioners would therefore submit that the patta should be mutated only in the name of the Hereditary Priest of Vallakalamman temple, and not Samuthirapatti Vellakalamman temple, that is patta standing in the name of the temple alone.



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7. Per contra, Mr.C.Satheesh, learned Government Advocate, would submit that in respect of the subject temple a fit person has already been appointed and after verifying the revenue records and also the report of the Inspector of HR & CE Department, it was found that the revenue records have been wrongly mutated in the name of the writ petitioners and only thereafter, an appeal was preferred by the third respondent for cancelling the patta in the name of the petitioners and to restore the patta in the name of the temple. The learned Government Advocate would further submit that even according to the petitioners, Devasthanam register reflected the lands in question as Inam lands, dedicated to Vellakalamman temple and even the Settlement Tahsildar as early as on 18.12.1967, issued patta only in the name of the temple, represented by temporary priest Manjammal. Taking advantage of their mother's name being reflected in the patta, the petitioners have mutated the revenue records in their individual names. The learned Government Advocate would also place reliance on the judgment of the Hon'ble Division Bench of this Court in *P.Adiakappan Chettiar V. The Executive Officer* reported in **2024(3)CTC285**, where this Court held that inam service holders and the legal heirs were not entitled to



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encumber the inam service lands and the right was limited to occupation of the property as long as they continued the service. The learned Government Advocate would therefore submit that the impugned order does not require any interference.

8. I have carefully considered the submissions advanced by the learned counsel on either side. I have also gone through the impugned order as well as the written arguments filed on behalf of the writ petitioners.

9. As rightly contended by the learned Government Advocate, Mr.C.Satheesh, it is the admitted case of the writ petitioners themselves that the ryotwari patta issued on 18.12.1967 was only in the name of the temple, through its Priest and not in the individual name of Manjammal, the mother of the petitioners. The order passed in O.A.No.55 of 1975, on 30.06.1976, only declared the said Manjammal as the Hereditary Trustee of the temple. The ratio laid down by the Hon'ble Division Bench in ***P.Adiakappan Chettiar***'s case would squarely apply to the facts of the present case. An individual cannot statue absolute claim over the property of the temple.



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10. The third respondent, on coming to know of the mutation of revenue records in the individual names of the sons of the hereditary trustee, Manjammal, viz., the writ petitioners, made an application to the second respondent for cancelling the patta and to restore the patta in the name of the temple. The third respondent has also directed the Deputy Tahsildar to enquire and file a report. The Deputy Tahsildar, Natham, has also enquired into the matter and forwarded his report. The contentions of the petitioners, HR & CE Department as well as the report of the Deputy Tahsildar have been considered by the third respondent before concluding that the patta was wrongly mutated in the name of the petitioners and it should have been mutated only in the name of the temple. I do not find any patent illegality in the said order passed by the third respondent.

11. In fact, it is also not the case of the petitioners that the original ryotwari patta was issued in the individual name of their mother. Further on written instructions, the learned Government Advocate has also informed this Court that the subject temple is under the control of the HR



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& CE Department and on 09.11.2023 the Department has appointed “Thakkar”, fit person, who is in control of the Management and Administration of the temple. Therefore, viewed from any angle, the petitioners' challenge to the impugned order is without any merit or substance and deserves to be rejected.

12. In fine, the Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No

10.03.2025

NCC : Yes / No

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- 3.The District Revenue Officer,
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P.B. BALAJI, J.

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Pre-delivery Order made in
W.P.(MD)No.14332 of 2023

Dated:
10.03.2025