



W.P.(MD)No.11780 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : **02.04.2025**

Delivered on : **15.04.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.11780 of 2015
and
M.P.(MD)Nos.1 and 2 of 2015

Arulmigu Sri Balagurunatha Swamy

Angalaparameshwari Temple,

Rep. by its Secretary of Trust,

M. Ragupathi,

S/o. Muthusamy,

No. 11d/1, Head Post Office Road, Palayamkottai,

Tirunelveli.

... Petitioner

/Vs./

1. The Assistant Director

of Land Survey and Records Department,

Tirunelveli, Tirunelveli District.

2. The Commissioner,

Tirunelveli City Municipal Corporation,

Tirunelveli.



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3. The Assistant Commissioner

Palay Ward Office, Palayamkottai,
Tirunelveli.

4. A. Gnanaprakasam,(Died)

5. Kasthuri Anthonyammal,

6. Gnanaselvam,

(R6 is impleaded vide Court order dated

07.03.2025 in WMP(MD)No.4525/2025) ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the 1st Respondent in Na.Ka. manu No. (uu) 125/2015 dated 15.06.2015 and quash the same and consequential direction to the respondents to remove the name of the respondents 4 and 5 from the Town Survey Register.

For Petitioner : Mr.S.C.Herold Singh
for Mr.K.Esakki

For Respondents : Mr.S.Kameswaran
Government Advocate for R1& 3

: Mr.Aayiram K.Selvakumar for R2

: Mr.S.Meenakshi Sundaram,
Senior Counsel
for Mr.R.Manimaran for R5

: Mr.M.Senguvijay for R6



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ORDER

The petitioner challenges the order of the first respondent dated 15.06.2015 and seeks consequential direction to remove the names of the respondents 4 and 5 from the town survey register.

2. I have heard Mr.S.C.Herold Singh, learned counsel for the petitioner, Mr.S.Kameswaran, learned Government Advocate for the respondents 1 & 3, Mr.Aayiram K.Selvakumar, learned counsel for the second respondent, Mr.S.Meenakshi Sundaram, learned Senior Counsel for the fifth respondent, Mr.M.Senguvijay, learned counsel for the sixth respondent. I have also gone through the records.

3. The case of the petitioner is that the deponent Ragupathy is the Secretary of the petitioner Trust. According to the petitioner, Arulmigu Sri Balagurunatha Swamy, Angalaparameshwari Temple, is situated at Door No. 11D/1, Head Post Office Road, Palayamkottai, Tirunelveli. The learned counsel for the petitioner would submit that the temple is a private temple belonging to Reddiar Community people, who are residing in and around that area. He would further submit that the 'A'



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register, property tax, assessment register and revenue records clearly reveal the said fact that the property belongs to the petitioner temple. In this regard, the learned counsel would also take me through the relevant documents filed in support of the said claims by way of typed set of papers.

4. The grievance of the petitioner is that without any notice, the names of the respondents 4 and 5 have been included in the town survey register and on coming to know of the same, the petitioner has sent a representation to the third respondent. The third respondent also sent a reply on 10.12.1999 stating that no documents are available in respect of old survey register and the petitioner was called upon to come in person, to verify the document. The learned counsel would further submit that while the petitioner had taken up the case of removing the names of the respondents 4 and 5, the first respondent proceeded to pass the order, which is impugned in the present writ petition, removing the name of the petitioner temple and retaining the names of the respondents 4 and 5 alone. The learned counsel would further submit that no proper opportunity was given to the petitioner and the first respondent was also



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not competent to decide the issues of title. He would further submit that when the revenue records stood in the name of the petitioner Temple, the first respondent ought to have directed the respondents 4 and 5 to approach the competent civil Court. He would therefore pray for the writ petition being allowed as prayed for.

5. Per contra, the learned counsel for the private respondents, would submit that the petitioner Trust Deed itself came into existence only on 22.07.2015 and further a suit has been filed by the petitioner Temple in O.S.No.133 of 2018, which is pending before the Principal District Judge, Tirunelveli, where the petitioner Temple seeks a relief of declaration. Therefore, the learned counsel for the private respondents would submit that unless the petitioner Temple succeeds in the said suit, the petitioner temple cannot claim any right in the subject property. The learned counsel would also invite attention to the impugned proceedings to contend that proper opportunity was given and enquiry was conducted, before the impugned order came to be passed. He would also submit that the deponent Ragupathy has no locus to represent the Trust and file the present writ petition. In this regard, the Trust deed produced before this



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Court by way of typed set of papers on behalf of the sixth respondent is perused, I am unable to find that the deponent Ragupathy is a Trustee of the petitioner Trust. It is not known how the deponent claims himself to be the Secretary of the petitioner Trust in the absence of his name being found in any where in the Trust deed or even a resolution to such effect.

6. No doubt, the said M.Ragupathy has represented the Trust and approach the competent civil Court. However, as far as the present writ petition is concerned, the petitioner has not produced any authorization or power of attorney to justify his representing the petitioner Trust and moving this Court seeking relief under Article 226 of Constitution of India. I find force in the submissions of the learned counsel for the respondents in this regard. Even in the impugned order, which is under challenge before this Court, I find that the objections of said Ragupathy have been examined before the impugned order came to be passed. In fact it is also claimed by the petitioner that one Sundar, a tenant, has been set up as if he is representing Trust on behalf of Ragupathy and he has signed documents in that regard. Be that as it may, the first respondent has found that the petitioner has not been able to produce any



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document to substantiate its claim over T.S.No.289. The first respondent has also verified the relevant records before passing the impugned order, which is challenged in the writ petition. In the absence of the petitioner being able to substantiate his right over the subject property, I am unable to see any illegality or irregularity in the order of the first respondent, directing the removal of the name of the petitioner Temple and retaining the names of the respondents 4 and 5 alone. It is not a case, which requires elaborate examination by the civil Court, since the petitioner has not been able to produce a single document to support title. The mutation and assessments in the name of the temple is not backed by any supporting title documents.

7. For all the above reasons, I do not find any reason to interfere with the order of the first respondent. There is no merit in the writ petition. Of course, it is made clear that in the event of the petitioner, succeeding by competent civil Court, it shall be open to the petitioner to seek for necessary mutation in the revenue records, accordingly.



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8. In fine, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
NCC : Yes / No
LS

15.04.2025

TO:-

1. The Assistant Director
of Land Survey and Records Department,
Tirunelveli, Tirunelveli District.
2. The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.
3. The Assistant Commissioner
Palay Ward Office, Palayamkottai,
Tirunelveli.



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P.B. BALAJI, J.

LS

Pre-delivery Order made in
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Dated:
15.04.2025