



W.P.(MD)No.20026 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.04.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

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The Dharmapuram Adheenam,
Rep by its Adheena Karthar,
Sri-La-Sri Masilamani Desigha
Gnanasambanda Paramachariar
Sri Kambahareswarar Swami Devasthanam,
Tirubhuvanam,
Tanjore District.

.... Petitioner

/Vs/

1. The District Collector,
Tanjore District,
Tanjore.
2. The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Kumbakonam,
Tanjore District.
3. The Tahsildar,
Thiruvidaimarudur Taluk,
Tanjore District.

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Mandamus, directing the respondents to consider and



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pass orders on the petitioners statutory application dated 28.12.2022 and 17.06.2023, seeking grant of patta in respect of the lands belonging to the petitioner temple in Old Survey No.79/4, New Survey No.664/49, Thirubhuvanam Village, Thiruvudaimaruthu Taluk, Tanjore District.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mrs.S.Jeyapriya
Government Advocate

ORDER

The petitioner seeks issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's statutory application dated 28.12.2022 and 17.06.2023, seeking patta in respect of the lands in Old Survey No.79/4, New Survey No.664/49, Thirubhuvanam Village, Thiruvudaimaruthu Taluk, Tanjore District.

2. I have heard Mr.M.Mahaboob Athiff, learned counsel for the petitioner and Mrs.S.Jeyapriya, learned Government Advocate appearing for the respondents.

3. The learned counsel for the petitioner would submit that the petitioner stakes his claim for patta, based on a judgement of competent



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Civil Court in O.S.No.66 of 2004 before the Principal District Munsif, Valangaiman at Kumbakonam. The said suit was filed by the petitioner against the Panchayat board, Thirubuvanam and the Executive Officer Town Panchayat, Thirubuvanam, for mandatory injunction to direct the removal of the board put up by the defendants and to restore the compound wall and to restrain the defendants from in any manner putting up any construction in the suit property. The said suit was contested by the defendants and ultimately, the civil court found that the defendants have no right in the property and the plaintiff's temple was entitled to the subject lands and a decree was granted as prayed for.

4. Admittedly, the decree has also become final with no appeal having been preferred there from. While so, the petitioner, based on the said judgement and decree, has made an application for issuance of patta and the said application is kept pending, without orders being passed.

5. The learned Government Advocate relying on the counter affidavit filed by the third respondent would contend that the lands in respect of which the petitioner seeks for patta are Government



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Poramboke land and therefore, the petitioner is not entitled to Patta and also contended that the petitioner is an encroacher in survey number 647/20 and he is attempting to convert the lands into plots.

6. However, I find that the request of the petitioner is only in respect of old survey number 79/4 corresponding to new survey numbers 644/7, 13, 14, 15, 16, 17 and 49. The decree passed by the Civil Court is in respect of old survey number 79/4 and even the petitioner does not make a claim in respect of 647/20. Therefore, the contention of the respondents that the petitioner is a trespasser and that the petitioner is not entitled for patta, cannot be countenanced. The respondents are bound to respect the decree of the competent civil court which has become final.

7. In the light of the above, the third respondent shall pass orders on the petitioner's applications dated 28.12.2022 and 17.06.2023 in line with the judgement and decree of the Civil Court in O.S.No.66 of 2204 and if necessary, after affording an opportunity of personal hearing to the petitioner to produce the documents in support of his claim. The said



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exercise shall be carried out within a period of twelve weeks from the date of receipt of a copy of this order.

8. The learned counsel for the petitioner submits that the petitioner's temple has organised the functions and because of wrong issuance of patta, the temple is facing problems and the authorities are also obstructing the enjoyment of the said lands. In view of the decree clearly finding that the petitioner is in possession of the subject lands, even pending the third respondent passing final orders on the petitioner's patta application, the petitioner's enjoyment of the subject lands shall not be interfered with.

9. With the above directions, the writ petition is disposed of. No costs.

Index : Yes / No
NCC : Yes / No
am

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P.B. BALAJI, J.
am

Order made in
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Dated:
25.04.2025