



W.P.(MD).No.22989 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :26.03.2025

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

**W.P.(MD)No.22989 of 2024 and
W.M.P.(MD)No.19495 of 2024**

1.J.Rajeswari
2.Geethalakshmi

... Petitioners

-VS-

1.The Joint Director,
District Town and Country Planning,
Office of the District Town and Country Planning,
No.5, Bharathi Nagar 1st Street, Melakaram,
Tenkasi District-627 818.

2.The Assistant Director,
District Town and Country Planning,
Office of the District Town and Country Planning,
No.5, Bharathi Nagar 1st Street, Melakaram,
Tenkasi District-627 818.

3.The Executive Officer,
Arulmigu Nachiyar (Andal) Temple,
Srivilliputhur, Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to pass appropriate order granting final approval for the plots of the petitioners consequent to the petition filed by the petitioners for approval, dated 05.12.2022 and communicate the same to the petitioners and to the Panchayat and the concerned officials.



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For Petitioners : Mr.S.Natarajan
Senior Counsel
for Mrs.Vijayakumari Natarajan
For R1 and R2 : Mr.K.S.Selvaganesan
Additional Government Pleader
For R3 : Mr.P,Mahadevan

ORDER

The prayer in the Writ Petition reads as follows:

“To issue a Writ of Mandamus to direct the respondents to pass appropriate order granting final approval for the plots of the petitioners consequent to the petition filed by the petitioners for approval, dated 05.12.2022 and communicate the same to the petitioners and to the Panchayat and the concerned officials.”

2.The case of the petitioners is that the land in dispute originally belongs to one Alagar Iyengar, who said to have executed a settlement deed on 23.10.1911, making arrangements to perform 'Unjal Urchavakattalai' for 'Arulmigu Nachiyar (Andal) Temple', at Srivilliputhur. After his death, the legal heirs succeeded to the estate and they have been performing the 'Kattalai' continuously. The Writ Petitioners have purchased the subject property from the legal heirs of Ramanuja Iyengar, who inherited the property from Alagar Iyengar, in the year 1990.



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3. According to the petitioners, after purchase, they continue to perform 'Kattalai' and the property never vested with the Temple. Subsequently, as contemplated under Section 21 of Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, (30 of 1963), the petitioners have paid the amount in lieu of Kattalai. Thereafter, the Temple have filed a suit in O.S.No. 310 of 2008 on the file of Principal District Munsif Court, Sankarankoil, to set aside the sale deed made in favour of the writ petitioners. In the meantime, the petitioners wanted to alienate the property and executed sale deeds in favour of 3rd parties and also submitted the same before the Sub Registrar concerned. But the Sub-Registrar refused to register the documents stating that an objection has been raised by the Temple and a civil suit is also pending between the parties and that until the dispute is resolved, the documents cannot be registered. Thereafter, the petitioners have filed a Writ Petition bearing W.P.(MD)No.5244 of 2011 seeking a direction from this Court to direct the Sub Registrar to register the documents. The said Writ Petition was allowed by this Court and the appeal preferred as against the said order of this Court was dismissed by the Hon'ble Division Bench of this Court.

4. Now, it is the grievance of the petitioners that even though the



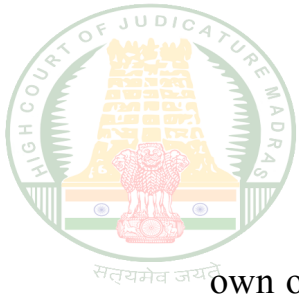
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petitioners have executed a gift deed for surrendering the land meant for pathway and other common area, the application, dated 05.12.2022, made by the petitioners before the first respondent for regularisation of the plots is pending without consideration for a long period and hence, the present Writ Petition.

5. When the matter is taken up for hearing, the learned Additional Government Pleader appearing for the respondents 1 and 2 submits that as against the judgment and decree passed in O.S.No.310 of 2008 on the file of Principal District Munsif Court, Sankarankoil, the respondent Temple has preferred an appeal in A.S.No.5 of 2022 before the Subordinate Court at Sankarankovil. Since the appeal suit is pending with regard to the subject land, the respondents 1 and 2 are not in a position to proceed further and as per the judgment and decree to be passed in the appeal suit, the respondents 1 and 2 will act in accordance with law.

6. Considering the submission made by the learned Additional Government Pleader, this Court is of the view that when a proceedings is pending before the civil Court with regard to the subject property, it is not appropriate on the part of the official respondents to take a decision on their



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own on the application made by the petitioners for regularisation of the plots in the subject property. In such view of the matter, the Writ Petition is dismissed. It is open to the respondents 1 and 2 to take a decision on the application made by the petitioners after the disposal of the appeal suit and if necessary, respondents 1 and 2 shall direct the petitioners to submit a fresh application and consider the same on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

26.03.2025

NCC : Yes/No
Index : Yes / No

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VIVEK KUMAR SINGH, J.

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Order made in
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