BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.24406 of 2025

Thaenrajan ... Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Madurai.

3. The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

4. The Assistant Commissioner,
HR and CE,
Virudhunagar.

5. The Tahsildar,
Kariyapatti Taluk,
Virudhunagar District.

6. The Fit Person,
Pudhumaiudaya Ayyanar and Karuppasamy Thirukoil,
Aviyur, Virudhunagar District.

7. Palani ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the 3rd respondent made in his proceedings in Ne.Mu.Aa.E-1539671/2023 dt. 06.08.2025 quash the same as illegal and direct the 3rd respondent to mutate the Patta for the lands in S.No.82/4 in Aviyur Village and S.No. 126/2 in Arasankulam Village, in the name of Puthumaiudaya Ayyanar and Karuppasamy Temple within a stipulated time as may be fixed by this Hon'ble Court.

For Petitioner :Mrs. AL.Gandhimathi, Senior Counsel
for Mr.S.Bala Karthick

For Respondents :Mr.P.Thambidurai
Government Advocate for R1 to R5
Mr.P.Mahendran for R6
Mrs.Porkodi Karnan for R7

ORDER

Both the sixth respondent and the petitioner had applied for grant of patta to the temple in relation to the land in Survey No.82/4 of an extent of 9 ares and the land in Survey No.126/2 of the extent of 7.5 ares. By order dated 06.08.2025, the request for patta was rejected. The said order is impugned herein.

2. Learned senior counsel for the petitioner invited my attention to the impugned order and pointed out that the said order has set out details of revenue records starting from the SLR. She points out that the remarks column in respect of Survey No.82/4 records the name of the 'Ayyanar Temple' and that the remarks column with regard to Survey No.126/2 contains the word 'Temple'. She further submits that the subsequent UDR 'A' register records the name of 'Arulmigu Ayyanar Kovil' as regards Survey No.82/4 and Karuppaswamy Kovil as regards Survey No.126/2. Thus, learned senior counsel submits that the District Revenue Officer recognised the fact that the temple was shown in the revenue records even in the pre-UDR period. In those circumstances, learned senior counsel submits that the refusal to grant a patta to the temple is erroneous. She also submits that the request for patta was made so as to create facilities for the large number of devotees who visit the temple regularly.

3. Learned counsel for the sixth respondent supported the submissions of learned counsel for the petitioner. He contended that the land qualifies as temple poromboke, if there is an entry relating to the temple in the remarks column of the revenue records. In support of such

contention, learned counsel relied on Revenue Standing Order 26, particularly Rule 13 thereof. By referring to Rule 13(2)(iii), he contends that it is prescribed that such land should be used only for the purpose for which it is assigned. He also refers to and relies upon the judgment of this court in *S.Sridhar and others v. the State of Tamil Nadu represented by Secretary, Animal Husbandry and Fisheries Department, Chennai and others* (*2020 (8) MLJ 438*). He contends that the fact situation in the cases dealt with in the said judgment was substantially similar inasmuch as the revenue records contained a reference to the temple in the remarks column. He points out that this Court concluded that the temple concerned is entitled to the rights of possession and enjoyment subject to the control and administration of the HR and CE Department. He also points out that even the Government does not have the right to alienate/ assign/transfer such lands or construct permanent structures thereon other than for the beneficial interest of the temple.

4. By relying on the judgment of this court in *Idol of Arulmighu Subramania Swamy Temple v. the District Collector and others*, order dated 02.08.2021 in W.P.No.34496 of 2012, learned counsel submits that the temple's entitlement to all prescriptive rights both on account of long

possession and by virtue of Rule 13 of Revenue Standing Order 26 was recognised in the said judgment. In support of the proposition that the Government, trustees of Boards and the persons entrusted with the management of the temple land and its properties should be vigilant in preventing encroachment or usurpation, he relied on the judgment of the Supreme Court in *A.A.Gopalakrishnan v. Cochin Devaswom Board and others* (*AIR 2007 SC 3162*).

5. Learned Government Advocate submits that the lands are classified as 'Government Poramboku' lands and not as 'Temple' lands. Therefore, he submits that the Government would take necessary measures to prevent encroachment by any person, including the seventh respondent. He also submits that the owners of adjacent agricultural lands are using these lands as a pathway. Learned Government Advocate also relied upon Circular No.12, dated 08.11.2021.

6. Learned counsel for the seventh respondent refuted the contentions of learned counsel for the petitioner and the sixth respondent. Learned counsel submits that Rule 13 of Revenue Standing Order 26 is not applicable and that the said Rule only applies to temple lands. She

refuted the submission that the seventh respondent is an encroacher by pointing out that the seventh respondent owns adjacent lands, including the land in Survey No.82/3C and that these lands are used only as a pathway to access lands owned by the seventh respondent. She also submits that the District Revenue Officer issued the impugned order after providing a reasonable opportunity to all parties and after considering all material documents. Therefore, she contends that no case is made out for interference under Article 226.

7. At internal pages 10 and 11 of the impugned order, particulars from the revenue records during the pre-UDR and UDR period are set out. In the SLR, both the survey numbers are classified as 'Government Poramboke'. As regards Survey No.82/4, in the remarks column, Ayyanar Temple is recorded. In the remarks column pertaining to Survey No. 126/2, 'Temple' is recorded. In the UDR 'A' register pertaining to Survey No.82/4, the classification is 'Government Poramboke'. The entry in the remarks column is 'Ayyanar Temple'. While the classification in respect of Survey No.126/2 in the UDR 'A' register is also 'Government Poramboke', the entry in the remarks column is 'Karuppaswamy Temple'. Thus, on the basis of these revenue records, the District Revenue Officer

recognised that the temple's possessory rights had been taken note of even in the pre-UDR period. The District Revenue Officer, however, noticed that there are agricultural lands to the West of these survey numbers and that objections were raised by the owner of Survey No. 82/3C on the ground that these lands are being used as a pathway to access their lands. The District Revenue Officer also took note of the fact that no documents were produced by the petitioner and the sixth respondent to establish title or ownership of the temple over the lands. In those circumstances, the request of the petitioner for grant of patta was considered unnecessary.

8. In the judgment of this Court reported in *2020 (8) MLJ 438*, this Court was concerned with multiple writ petitions wherein the revenue records contained an entry relating to the temple concerned in the remarks column. The lands had been assigned to the fisheries department by the Government. While setting aside such assignment, in relevant part, the court concluded as under:

> "22. In view of the foregoing discussions, the emerging conclusions are summed up in seriatim as follows:
> i. The temples are entitled to the rights of possession and

enjoyment in respect of the respective disputed lands, subject to the control and administration of the HR&CE Dept. Needless to say that no trustee / private individual shall claim right over the disputed lands possessed and enjoyed by the temples in any manner whatsoever.

ii. The right and title over the disputed lands vest with the Government. However, the Government shall not utilise/ alienate / assign / transfer the same and construct permanent structures therein for the purposes other than the beneficial interests of the temple as indicated in Rule 13 of the Revenue Standing Order No.26 and the provisions of the HR&CE Act.

iii. The subject temples under the administration and control of the HR&CE Dept., are entitled to all the prescriptive rights not only because of their long possession, but also in view of Rule 13 of the Revenue Standing Order No.26 and the provisions of HR&CE Act."

9. The petitioner and the sixth respondent fall broadly within the same category as the temple and its trustees in those cases. In effect, the temple is entitled to possessory rights, as recognised and recorded in the relevant revenue records. As correctly recorded in the impugned order, the temple is not entitled to assert title over the said lands and such title remains with the Government. Considering the possessory rights of the

temple over the land, the Government shall ensure that there are no encroachments. Circular No.12 reiterates that the ownership in Government poramboke lands is vested with the Government and that observations in the remarks column are merely indicative of usage of the lands. This circular does not, however, detract from the possessory rights asserted by the temple by relying on revenue records starting from the pre-UDR period. As regards the exercise of easementary rights to access adjoining lands, if there is no alternative pathway to the lands of the seventh respondent or any other agriculturists owning or cultivating adjoining lands, access shall be permitted. The writ petition stands disposed with these observations by declining to interfere with the order insofar as it rejects the application for patta. There shall be no order as to costs.

10.11.2025

NCC :Yes
Internet :Yes
Index :No
PKN

To
1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Madurai.

3. The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

4. The Assistant Commissioner,
HR and CE,
Virudhunagar.

5. The Tahsildar,
Kariyapatti Taluk,
Virudhunagar District.

6. The Fit Person,
Pudhumaiudaya Ayyanar and Karuppasamy Thirukoil,
Aviyur, Virudhunagar District.

SENTHILKUMAR RAMAMOORTHY, J.

PKN

W.P.(MD)No.24406 of 2025

10.11.2025