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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03-11-2026

CORAM

THE HON'BLE MR. JUSTICE **K.KUMARESH BABU**

W.P.(MD)No.25244 of 2026

CNR:{HCMD011213342026}

Case QR

AND

W.M.P(MD)No.18877 of 2026

The Executive Officer,
Arulmighu Mutharamman Thirukovil,
Palayamkottai Town,
Thirunelveli District.

..Petitioner(s)

Vs

1. The Commissioner of Land Administration,
   Chepauk, Chennai-600 005

2. The District Revenue Officer,
   Thirunelveli District.

3. The Assistant Commissioner,
   Hindu Religious and Charitable Endowments
   Department, Religious and Charitable
   Endowments, Thirunelveli.

4. The Tahsildar,
   Palayamkottai Town, Thirunelveli District.

5. S. Kanthiah @ Radhakrishnan

..Respondent(s)

PRAYER: Writ Petition, filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to impugned proceedings of the 1st respondent in Se. Mu. No. K2/6031140/2023 dated 22.07.2026 and consequently direct the respondents to mutate the revenue records as

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"Nathan-Punjai- Sree Narguna Sundara Vinayagar Balasubramaniar Kovil and issue patta in the name of temple/ deity.

For Petitioner	:Mr.V.R.Shanmuganathan
For R1, R2 and R4	:Mr.S.Siva Thilakar Special Government Pleader
For R3	:Mr.M.S.Parthiban, Government Advocate
For R5	:Mr.S.Kumar

ORDER

The present Writ Petition has been filed in the nature of a Writ of Certiorarified Mandamus challenging the impugned proceedings of the 1st respondent dated 22.07.2026 and consequently direct the official respondents to mutate the revenue records as "Nathan-Punjai- Sree Narguna Sundara Vinayagar Balasubramaniar Kovil and issue patta in the name of temple/ deity.

2. Heard the learned Counsel on either side.

3. A primary objection had been raised by the learned Counsel for the 5th respondent by contending that the present Writ Petition has been filed by the Executive Officer, representing Arulmighu Mutharamman Thirukovil, Palayamkottai Town challenging an order passed by the first

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respondent, wherein, the first respondent had directed that the revenue records should be mutated in the name of one Sree Narguna Sundara Vinayakar Temple represented by its Hereditary Trustee, the 5th respondent, one Shanmuga Sundaram Pillai.

4. However, it is to be noted that the petitioner herein is also under the control and management of the said Sree Narguna Sundara Vinayagar Balasubramaniar Kovil. Further, heavy reliance had been placed upon a circular issued by the Commissioner, HR and CE Department based upon a judgement of the Hon'ble Apex Court made in Civil Appeal No.4850 of 2021.

5. The Hon'ble Apex Court in the aforesaid judgment had categorically held that in the revenue records, the name of the Deity alone should be entered and not the name of the Manager or that of the Priest is required to be mentioned. However, an exception was made in respect of Poojaris performing their functions and cultivating the land to have their names entered in the remarks column. The Hon'ble Apex Court had also envisaged issuance of executive instructions to be issued and to be supplemented in the Statute and Rules thereafter.

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6. As regards the objections against by the petitioner, it is to be noted that the petitioner had been representing a Deity by name, Sree Narguna Sundara Vinayagar and in this regard, the objection raised by the 5th respondent, as to the maintainability of this Writ Petition, is unable to be sustained, as this Court would also have to exercise *parens patriae* jurisdiction in respect of a Deity, which is always considered to be a minor.

7. Further, the objection raised that the impugned order has been issued without there being any executive instructions by the Revenue Department concerned, it is to be noted that in the Hon'ble Apex Court judgment, which is a law of the land where, the name of Deity alone has been directed to be required and that even in the absence of an executive instruction and a law, the said law laid down by the Hon'ble Apex Court would also have to be equally applied.

8. In such an event, this Court is of the view that the direction issued by the first respondent to mutate the revenue records in the name of the Deity being represented by its Hereditary Trustee goes contrary to the dictum laid down by the Hon'ble Apex Court. Further, this Court is of the view that the impugned order in so far as it directs recording of the

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name of the Deity represented by its Hereditary Trustee alone is liable to be interfered with.

9. With the aforesaid observations, the Writ Petition stands disposed of with a direction that the name of the deity, namely Sree Narguna Sundara Vinayagar Balasubramaniar alone shall be recorded in the revenue records. Further, the classification that has been made as “Natham Private” is without any such classification being recognised under the Revenue Standing Order. Hence, the land only classified as natham to be standing the name of the deity, namely, Sree Narguna Sundara Vinayagar Balasubramaniar. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

10. Before parting with the case, it is to be noted that the Hon'ble Apex Court in the aforesaid judgment had given a categorical direction that executive instructions could be issued to supplement the statute and rules framed thereunder. However, the Revenue Department, State of Tamil Nadu, as of today, had not issued any such executive instructions in that regard. Hence, the Secretary, Revenue and Disaster Management Department, Fort St.Gorge, Chennai, shall issue necessary instructions in that regard apart from a further direction to the respective revenue

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authorities to carry out necessary corrections in the revenue records as per the directions contained in paragraph No.27 of the Hon'ble Apex Court judgment referred supra.

03-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

cmr

To
1. The Commissioner of Land Administration,
   Chepauk, Chennai-600 005

2. The District Revenue Officer,
   Thirunelveli District.

3. The Assistant Commissioner,
   Hindu Religious and Charitable Endowments
   Department, Religious and Charitable
   Endowments, Thirunelveli.

4. The Tahsildar,
   Palayamkottai Town, Thirunelveli District.

Copy to:-

5. The Secretary,
   Revenue and Disaster Management Department,
   Fort St.Gorge, Chennai,

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K.KUMARESH BABU, J.
cmr

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