



W.P(MD)No.18568 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.18568 of 2026

and

W.M.P.(MD).Nos.13742 and 13743 of 2026

The Tamil Evangelical Lutheran Church,
Represented by its Property Officer,
P.Solomon

... Petitioner(s)

vs.

- 1.The Commissioner,
Madurai City Municipal Corporation,
Madurai.
- 2.The Assistant Commissioner,
Zone - III (Central),
Madurai City Municipal Corporation,
Madurai.
- 3.The Town Planning Officer,
Madurai City Municipal Corporation,
Madurai.
- 4.Arunachalam Vel

5.D.Abraham Dass

... Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari, calling for the records pertaining



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WEB COPY to the impugned order made in Ma.thi.E2/003624/2026 dated 06.04.2026, issued by the third respondent and quash the same.

For Petitioner : Mr.P.Arun Jayatram

For R1 to R-3 : Mr.R.Murali,
Standing Counsel for Corporation

ORDER

This Writ Petition has been filed challenging the impugned order passed made in Ma.thi.E2/003624/2026 dated 06.04.2026, passed by the third respondent.

2. Heard Mr. P. Arun Jayatram, learned counsel appearing for the petitioner, and Mr. R.Murali, learned Standing Counsel, who accepts notice on behalf of respondents 1 to 3.

3. Since no adverse order is going to be passed against respondent Nos.4 and 5, notice to them is dispensed with.



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WEB COPY 4. The learned counsel appearing for the petitioner submitted that the property comprised in T.S.No.52/2, Door No.16A, Melamaarat Veethi, Survey Ward V, Madurai Village, Madurai Town, belongs to the petitioner Society. According to him, the petitioner Society acquired the said property under Document No.157 of 1962 dated 12.01.1962. It is further submitted that one A. Dharmaraj, President of Kremmer Sandegran Foundation, Pattukottai, obtained patta in his favour by proceedings in R.T.R.No.6395 of 2012 dated 10.08.2012 issued by the Zonal Deputy Tahsildar, Madurai West Taluk. Challenging the said proceedings, the petitioner filed W.P.(MD) No.13562 of 2014 before this Court. The said writ petition was partly allowed. Pursuant thereto, the Revenue Divisional Officer, Madurai, by proceedings dated 07.10.2024, cancelled the patta granted in favour of the said A. Dharmaraj and restored the revenue records to their original position.

5. The learned counsel further submitted that though the Revenue Divisional Officer passed the order dated 07.10.2024, the revenue authorities failed to upload the same in the revenue records. Therefore, the petitioner filed W.P.(MD) No.14396 of 2025 seeking a direction to the revenue authorities to



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upload the order restoring the revenue records in favour of the petitioner Society and the Church of Swedish Mission of India in respect of several properties situated in Ponmeni Village, Madurai South Taluk, Madurai District. By order dated 22.05.2025, this Court directed the concerned revenue authorities to implement the order of the Revenue Divisional Officer dated 07.10.2024 by restoring the revenue records and further directed the registering authorities not to register any document relating to the subject property without obtaining a No Objection Certificate from the writ petitioner.

6. According to the learned counsel for the petitioner, the fifth respondent executed the power of attorney dated 28.04.2021 in favour of the fourth respondent. Despite the aforesaid orders, respondents 4 and 5, without having any lawful right or title over the property, approached the Corporation and obtained the impugned demolition proceedings. It is his further submission that the patta earlier standing in the name of the fifth respondent had already been cancelled by the Revenue Divisional Officer and the revenue records had been restored in favour of the Church of Swedish Mission of India, under whom the petitioner claims title. Therefore, the impugned order has been passed without affording an opportunity of hearing to the petitioner and is liable to be set aside.



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7. Per contra, the learned Standing Counsel appearing for respondents 1 to 3 submitted that the impugned proceedings have been issued on the basis of the documents produced by respondents 4 and 5. According to him, the dispute raised by the petitioner is essentially one relating to title over the property. Such disputed questions of title cannot be adjudicated in proceedings under Article 226 of the Constitution of India. He further submitted that the restoration of patta by the Revenue Divisional Officer is not conclusive proof of title and that title can be conclusively determined only by a competent Civil Court. Therefore, he prayed for dismissal of the writ petition, leaving it open to the petitioner to work out its remedy before the competent Civil Court.

8. This Court has carefully considered the rival submissions and perused the materials available on record.

9. The grievance of the petitioner is that the impugned demolition proceedings have been issued in respect of a property over which the petitioner claims ownership. On the other hand, respondents 4 and 5 also claim title over the very same property. The Corporation has issued the impugned proceedings based



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WEB COPY on the documents produced by respondents 4 and 5.

10. It is well settled that mutation of revenue records or grant or cancellation of patta does not confer title upon any person. A patta is only a revenue record maintained for fiscal purposes and is not a document of title. Whenever rival parties claim ownership over immovable property, the issue has to be adjudicated only by the competent Civil Court after appreciation of oral and documentary evidence.

11. In the present case, the petitioner relies upon the order passed by the Revenue Divisional Officer restoring the patta, whereas respondents 4 and 5 rely upon documents produced before the Corporation. Thus, the controversy involves disputed questions relating to ownership and title over the subject property. Such disputed questions cannot be effectively adjudicated in exercise of the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

12. Therefore, this Court is not inclined to examine the rival claims of title



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in the present writ proceedings. It is always open to the petitioner to establish its title before the competent Civil Court and seek appropriate declaratory and consequential reliefs. If any such proceedings are instituted, the Civil Court shall decide the same independently on the basis of the evidence adduced before it, uninfluenced by any observations made in this order.

13. Accordingly, the Writ Petition stands dismissed. However, liberty is granted to the petitioner to approach the competent Civil Court for appropriate relief. No costs. Consequently, the connected miscellaneous petitions are closed.

02.07.2026

NCC : Yes / No

Index : Yes / No

Internet : Yes

TSG

To

1.The Commissioner,
Madurai City Municipal Corporation,
Madurai.

2.The Assistant Commissioner,
Zone - III (Central),

7/9



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Madurai City Municipal Corporation,
Madurai.

3.The Town Planning Officer,
Madurai City Municipal Corporation,
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M.DHANDAPANI,J.

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**ORDER MADE IN
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