

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.12.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Writ Petition No.14520 of 2001

A/m.Rudraksha Easwar Thirukoil
Rep. by its Thakkar
Keezhamayanur ..Petitioner

-Versus-

1. The Commissioner of Land Admn.
Chepauk, Chennai-600 005.
2. The District Revenue Officer,
Trichy.
3. The Sub-Collector, Karur
Trichy District.
4. The Tahsildar
Kulithalai Taluk, Trichy District.
5. Jayakanthan (Deceased)
6. Shanmugam
7. Suguna Devi

(Respondents 5 to 7 rep. by thier
Power of Attorney Agent J.Nathreyan)

8. K.Jayapal

9. K.Manoharan

10. Sugana Devi

11. Jothibai

12. Vasantha

13. Anusuya ... Respondents

*(R8 to R13 implead as legal heirs in place of deceased 5th respondent as per the order of this Court dated 29.01.2003 in WPMP.No.6675 of 2002)

Petition filed under Section 226 of the Constitution of India praying for issuance of a writ of Certiorari, to call for the records of the first respondent in R.Dis (K.4) 43742/97 dated 27.02.2001 confirming the order of the second respondent in his proceedings RC.105471/94/Z dated 21.08.1995 quash the order dated 27.02.2001.

For Petitioner	:	No appearance
For R1 to R4	:	Mr.S.Pattabiraman Government Advocate
For R6 & R7	:	Mr.V.Soundarajan

ORDER

This writ petition has been filed to call for the records of the first respondent in R.Dis (K.4) 43742/97 dated 27.02.2001 confirming the order of the second respondent in his proceedings RC.105471/94/Z dated 21.08.1995 and quash the order dated 27.02.2001.

2. Heard the learned Government Advocate and the learned counsel appearing for the contesting respondents 6 & 7 and perused the records.

3. On 07.12.2016, there was no representation for the petitioner, but the respondents were ready. Therefore, the matter was directed to be posted "for dismissal". Today also, there is no representation for the petitioner.

4. The petitioner in this case is a temple represented by its Thakkar. It is the case of the petitioner that the land under dispute, measuring about 31.67 acres belongs to them and that they applied for patta for the said land and patta was issued to them by an order of the Tahsildar, Kulithalai on 07.12.1993. Challenging the patta granted to the temple, the rival party viz., respondents 5 to 7 appealed to the Sub-Collector, Karur, who disposed the appeal on 25.08.1994 confirming the order of patta issued by the Tahsildar.

5. Aggrieved by that, the respondents 5 to 7 preferred a revision before the District Revenue Officer, Trichy to set aside the patta that was issued to the temple and give the patta in favour of the respondents 5 to 7 which was allowed on 21.08.1995. The temple filed a revision petition before the Commissioner of Lands, Administration, Chennai and by order dated 27.02.2001, the Commissioner confirmed the order of the DRO and patta was issued in favour of the respondents 5 to 7. Challenging the order dated 27.02.2001, the present writ petition has been filed.

6. During the pendency of this writ petition, much water has flown under the bridge inasmuch as, the temple filed a suit in O.S.No.266 of 1996 before the District Munsif Court, Kulithalai against the respondents 5 to 7 for declaration and injunction in respect of the said properties. The said suit was dismissed on 28.04.2000.

7. Aggrieved by the dismissal of the said suit, the temple filed AS.No.30 of 2002 before the Sub-Court, Kulithalai and by Judgment and Decree dated 11.04.2005, the appeal was allowed and the suit was decreed in favour of the temple. The respondents 5 to 7 through their Power of Agent J.Nathreyan filed SA.No.458 of 2005 before this Court and the Second Appeal was allowed on 03.08.2012, whereby, the Appellate Court's judgment was set aside and the decree passed by the trial Court was restored, thereby holding that the temple is not the owner of the property.

8. Admittedly, the temple has preferred SLP before the Supreme Court. Given the factual matrix, the order dated 27.02.2001 passed by the Commissioner of Lands, Chennai does not suffer any serious infirmity inasmuch as the civil Courts have disallowed the prayer of the temple.

In the result, this petition is dismissed as being devoid of merits. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mk

To

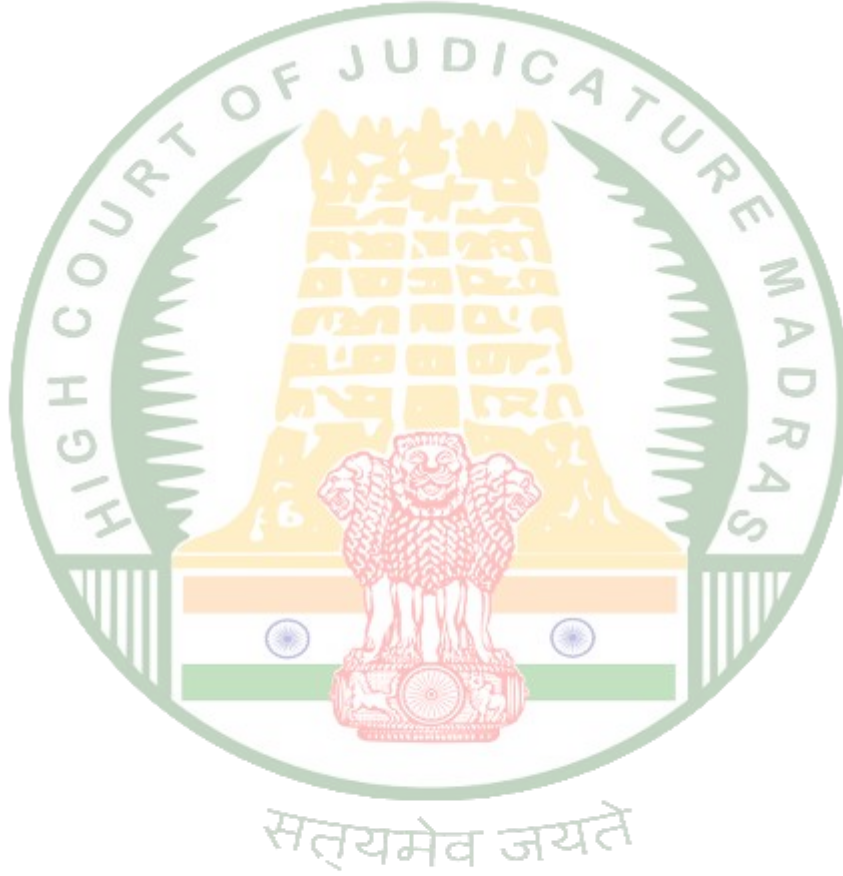
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4. The Tahsildar
Kulithalai Taluk, Trichy District.

+1cc to Mr.K.V. Soundararajan, Advocate, S.R.No.72475
+1cc to the Government Pleader, S.R.No.72636

lrs(CO)
md(05/01/2017)

W.P.No.14520 of 2001



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