



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.1823 of 2016

and

W.M.P(MD)Nos.1565 and 1566 of 2016

R.Palani

... Petitioner

Vs.

The Executive Officer,
Thirumohur Arulmighu Kaalamegha
Perumal Thirukovil,
Melur Taluk,
Madurai District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed in Na.Ka.No.A/129/2010, dated 21.08.2013 passed by the District Revenue Officer/Special Officer (Temple Lands) of Madurai and quash the same and consequently, directs the respondent to maintain patta of the land in Survey No.111/6 measuring about 60 cents situated in Maruthur Village of Melur Taluk, Madurai District in the petitioner's name in all revenue records and accounts.

For Petitioner : Mr.V.Nagendran

For Respondent : Mr.S.Manohar

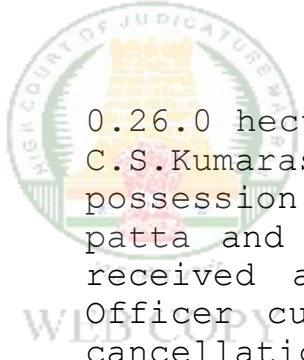
ORDER

This writ petition is filed seeking a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed in Na.Ka.No.A/129/2010, dated 21.08.2013 by the District Revenue Officer / Special Officer (Temple Lands) of Madurai and quash the same and consequently, direct the respondent to maintain patta of the land in Survey No.111/6 measuring about 60 cents situated in Maruthur Village of Melur Taluk, Madurai District in the petitioner's name in all revenue records and accounts.

2.The facts of the case, in a nut-shell, is as follows:-

<https://hcservices.ecourts.gov.in/hcservices/>

2.1.The petitioner purchased the nanja land measuring



0.26.0 hectares (64 cents) situated at Maruthoor Village, from one C.S.Kumarasamy through a registered sale deed. Till date, he is in possession and enjoyment of the said land getting mutation of the patta and also registered in his name. While so, the petitioner received a notice, dated 20.04.2011 from the District Revenue Officer cum Special Officer, Madurai for enquiry in respect of cancellation of the patta of the aforesaid lands, as if the patta has been wrongly issued.

2.2.Originally, patta has been issued for the land in dispute in the name of one Arumugam by the Settlement Tahsildar of Melur under re-enquiry conducted by him, dated 25.11.1971 with a direction to the said Arumugam to pay the consideration amount for the land. Subsequently, the District Revenue Officer/Special Tahsildar passed the impugned order, dated 21.08.2013 stating that the petitioner has not produced any document to prove the payment of consideration made by Arumugam as per the order, dated 25.11.1971 and held that no consideration amount had been paid. Further, the District Revenue Officer issued a direction to cancel the patta granted in the name of the petitioner and to register the patta in the name of Maruthoor Grama Ayyanar Kovil. Hence, the petitioner filed a revision in C.R.P(MD)No.1763 of 2015 before this Court challenging the order, dated 21.08.2013 passed by the District Revenue Officer, but this Court directed the petitioner to convert the Civil Revision Petition into a Writ Petition. Hence, the petitioner is before this Court with this Writ Petition.

3.Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4.The order under challenge in the Writ Petition herein is related to the title of the property, wherein, now patta has been entered in the name of the Temple. As per Act 30 of Minor Inam Abolition and Conversion into Ryotwari Settlement, 1963, such an order can be challenged only by filing a civil suit before the competent Court.

5.The learned counsel for the petitioner now seeks permission of this Court to file such a civil suit.

6.Granted such liberty to the petitioner to file a civil suit within a period of three weeks from the date of receipt of a copy of this order, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AD-II)



To

The Executive Officer,
Thirumohur Arulmighu Kaalamegha
Perumal Thirukovil,
Melur Taluk,
Madurai District.

+ 1 cc TO Mr.S.Manohar , Advocate in SR No. 80738
+ 1 cc TO Mr.V.Nagendran , Advocate in SR No. 80514

Ps
AE/KP/SAR2/11.10.2017/3P/4C

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