

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.34040 of 2017
and
WMP.No.37750 of 2017

M.Renuka Devi

W/o.Magesh

.. Petitioner
Vs.

1. The District Collector
Coimbatore District,
Coimbatore.
 2. The Joint Commissioner
Hindu Religious and Charitable Endowment Department
Coimbatore - 641 018.
 3. The Inspector
Hindu Religious and Charitable Endowment Department
Coimbatore - 641 018.
 4. The Tahsildar
Coimbatore North
Coimbatore District.
 5. Village Administrative Officer
Villangurichi Village
Coimbatore North
Coimbatore.
 6. The Sub Registrar
Ganapathy, Coimbatore District.
 7. Perumal Temple
represented by its Dharmakarta
Villankurichi Village,
Coimbatore North, Coimbatore.
- .. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned communication of the 3rd respondent dated 31.12.2014 in Na.Ka.No.235-1/2014 and quash the same and further direct the 4th and 5th respondents to delete the name of Perumal Temple in Patta No.190 and all other revenue records pertaining to the properties in Survey No.255/1, Villankurichi Village, Coimbatore North, Coimbatore.

For Petitioner : Mrs.V.S.Usha Rani
For Respondents : Mr.R.Govindasamy
Special Government Pleader
for R1, R4, R5 & R6
Mr.M.Maharaja
Special Government Pleader
(HR & CE) for R2 & R3

O R D E R

This writ petition is filed challenging the communication dated 31.12.2014 issued by the third respondent to the sixth respondent, wherein and whereby the registering authority was requested not to register any document in respect of the land at S.No.255/1, measuring to an extent of 4.10 acre with Patta No.190 at Villankurichi Village, Coimbatore District on the claim that the said property belongs to the seventh respondent - Temple.

2. The petitioner claims that the said property does not belong to the seventh respondent - Temple and on the other hand he purchased the same from her vendor who was in possession and enjoyment of the same as the title holder. On the other hand, the Temple viz., the seventh respondent claims that the said property belongs to the Temple and therefore, no registration of document can take place in respect of the said Temple. It is further stated that certain revenue records also stands in the name of the Temple, as could be seen from the documents filed in the typed set of papers. Therefore, it is evident that there is a dispute between the petitioner and the seventh respondent - Temple in respect of the title to subject matter property. If that be the position, I do not think that the petitioner can maintain the present writ petition, that too, by challenging the communication issued by the third respondent to the sixth respondent, without establishing her title before the competent Civil Court, by filing appropriate civil suit. Therefore, without expressing any view on the merits of the claim made by the respective parties over the title to the subject matter property, this writ petition is disposed of, by granting liberty to the petitioner to agitate the matter before the competent Civil Court, by filing appropriate Civil Suit by impleading all the necessary parties. No costs.

Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

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To

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Coimbatore.
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Hindu Religious and Charitable Endowment Department
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Coimbatore North
Coimbatore.
6. The Sub Registrar
Ganapathy, Coimbatore District.

+2cc to Government Pleader sr.647&705

+1cc to Mr.V.S.Usha rani sr.318

W.P.No.34040 of 2017

GSP/31/01/2018