IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.20952 of 2010

P.Annamalai ... Petitioner

Vs.

1. The State of Tamilnadu,
   rep.by Secretary to Government,
   Revenue Department,
   Fort St.George, Chennai - 9.

2. The District Collector,
   Villupuram District.

3. The Revenue Divisional Officer,
   Sankarapuram,
   Villupuram District.

4. The Tahsildar,
   Sankarapuram,
   Villupuram District.
(R4 impleaded as per order dated 21.03.2011 in MP.No.1/2011)

5. The Inspector HR & CE Board,
   Kallakurichi. ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to issue patta to the petitioner and to alter all revenue records in respect of survey Nos.177/2 (Extent 1 acre 42 cents) Survey No.177/3 (Extent 33 cents) and Survey No.177/3 (Extent 31 cents) in S.Kolathur Village, Sankarapuram Taluk, Villupuram District, of a total extent of 2 acres and 06 cents into the name of the petitioner.

For Petitioner : M/s. Perumbulavil Radhakrishnan
For R1 to R5 : Mr.J.Ramesh, AGP

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O R D E R

The prayer made in this writ petition is to issue a mandamus, directing the respondents 1 to 4 to issue patta to the petitioner by altering the revenue records in respect of the properties in S.No.177/2 (extent of 1 acre 42 cents), S.No.177/3 (extent of 0.33 cents) and S.No.177/3 (extent of 0.31 cents) in S.Kolathur Village, Sankarapuram Taluk, Villupuram District, in the name of the petitioner.

2.According to the learned counsel for the petitioner, the petitioner has been in possession and enjoyment of the properties in question and paying kist regularly. In the year 2009, the legal heirs of one Arayee Ammal attempted to disturb the petitioner's possession and enjoyment of the properties in question and hence, he approached the civil court and obtained a decree in his favour. However, the revenue records disclosed the name of some other persons in respect of the properties in question. Hence, this writ petition.

3.Upon notice, the respondents 1 to 3 filed a detailed counter affidavit dated 06.07.2018, inter alia stating that as per the revenue records before and after UDR nearly 70 years in respect of the properties in S.Nos.177/2 and 177/3, its patta stood in the name of Arulmigu Anumantharayar and Arulmigu Lakshminarayana Temple and the petitioner is a trespasser of the aforesaid temple land and enjoying illegally and now trying to grab the same by creating documents.

4.When the matter was taken up for consideration, the learned Additional Government Pleader appearing for the respondents also produced a copy of the revenue records relating to the properties in question, wherein, it has been specifically mentioned that the aforesaid survey numbers are standing in the name of the temples.

5.When such being the position, this Court disposes of this writ petition, leaving it open to the petitioner to agitate his right before the Civil Court concerned. No costs.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To
1. The Secretary to Government,
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2. The District Collector,
   Villupuram District.

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   Villupuram District.

4. The Tahsildar, Sankarapuram,
   Villupuram District.

5. The Inspector HR & CE Board,
   Kallakurichi.

+1 CC TO GOVERNMENT PLEADER SR.NO. 50787

W.P.No.20952 of 2010

ASK(24/09/2018)

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