

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2018

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.Nos.23687 & 11198 of 2006

W.P.No.23687 of 2006:

- 1 KAMALA @ SAROJA
W/O. PERUMAL
- 2 GANESAN
S/O. MUNIAPPAN
- 3 GNANAVEL
S/O. KANDHAN
- 4 CHINNASAMY
S/O. ELLAPPA GOUNDER
- 5 MARIMUTHU
S/O. KARIAPPA GOUNDER
- 6 MURUGESAN
S/O. RAMAR
- 7 CHINNASAMY
S/O. RAMA GOUNDER
- 8 MUNUSAMY
S/O. SEERANGAPPA GOUNDER
- 9 MARIAPPAN
S/O. KAVERIAPPAN
- 10 GOURAN
S/O. MURUGA CHETTY

... Petitioners

Vs

- 1 THE SPECIAL COMMISSIONER AND
COMMISSIONER OF LAND ADMINISTRATION CHEPAUK
CHENNAI - 05.
- 2 THE DISTRICT REVENUE OFFICER
DHARMAPURI DISTRICT DHARMAPURI.
- 3 THE REVENUE DIVISIONAL OFFICER
DHAMAPURI.
- 4 THE TAHSILDAR
PENNAGARAM DHARMAPURI DISTRICT.
- 5 C.RUDRAPPAN S/O.CHIKKANNA
(R5 IMPLD,vide ORD. DT.20/08/11 BY NPVJ IN
MP.1/10)

...Respondents

W.P.No.11198 of 2006:

- 1 C. RUDRAPPAN

.. PETITIONER

Vs

- 1 THE SPECIAL COMMISSIONER AND
COMMISSIONER OF LAND ADMINISTRATION
CHEPAUK CHENNAI -600 005.
- 2 THE DISTRICT REVENUE OFFICER
COLLECTORATE DHARMAPURI.
- 3 THE REVENUE DIVISIONAL
OFFICE DHARMAPURI.

- 4 THE TAHSILDAR
PENNAGRAM 636 810 DHARMAPURI DISTRICT.
- 5 THE STATE OF TAMILNADU
REP BY ITS DISTRICT COLLECTOR DHARMAPURI
6366705
- 6 THE ASSISTANT COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
DEPARTMENT DHARMAPURI 636 701
- 7 TMT. KAMALA
W/O PERUMAL NEKKUNDHI BNANDA HALLI P O
PENNAGRAM TALUK DHARMAPURI DISTRICT.
- 8 GANESAN
S/O MUNIAPAN
- 9 GNANAVEL SON OF KANDAN
8 & 9 ARE RESIDING AT 1 MULLUVADI PENNAGARAM
TALUK DHARMAPURI DISTRICT. 636 810
- 10 K.E. CHINNASAMY
S/O ELLAPPA GOUNDE SALAKULATHI NULAHALLI P.
O PENNAGARAM TALUK DHARMAPURI DISTRICT
636013.
- 11 BAGKIYAM
W/O MADHEY GOUNDER PARVATHANA HALLI
NULAHALLI P.O PENNAGARAM TALUK DHARMAPURI
DISTRICT 636 813
- 12 K. MARIMUTHU
SO KARIAPPA GOUNDER PENNAGARAM TOWN & POST
DHARMAPURI DISTRICT 636 810
- 13 MURUKESAN
S/O VELAYUTHAM @ RAMAR KOOTHAPADIMADAM
PENNAGRAM TALUK DHARMAPURI DISTRICT. 636 810

14 CHINNASAMY

SON OF RAMA GOUNDER KODIYUR PENNAGARAM
TALUK DHARMAPURI DISTRICT. 636 610

15 MUNUSAMY

S/O SERANGAPPA GOUNDER SALAKULATHI NULAHALLI
P.O PENNAGARAM TALUK DHARMAPURI DISTRICT
636813

16 MARIAPPAN

SON OF KAVERIAPPAN KILAKKU KALIPURAM
PENNAGARAM TALUK DHARMAPURI DISTRICT. 636 810

17 GOURAN

S/O MURUGA CHETTI MAIN ROAD PENNAGARAM
TOWN & P.O PENNAGRAM TALUK DHARMAPURI
DISTRICT 636 810

... Respondents

Prayer in W.P.No.23687 of 2006: Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the 1st respondent in Rc.G1/3414/2005 dated 21.10.2005 as far as the petitioners confirming the orders of the 2nd respondent in Na.Ka.No.3668/2003/Tha.2 dated 30.12.2004 as also the orders of the 3rd respondent in MC.27/2002 (A1) dated 30.12.2002 for all the petitioners and quash the same and direct the respondents to restore the order of the 4th respondent in Na.Ka.No.9999/98 (A3) dated 31.01.2002.

Prayer in W.P.No.11198 of 2006: Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a Writ of

Certiorarified Mandamus calling for the records of the 1st respondent relating to the order dated 21.10.2005 made in proceedings No.Rc.G1/3414/2005 and quash the same and consequently direct the 1st respondent to conduct a fresh enquiry in respect of the classification of the lands measuring an extent of 25 cents and comprised in S.No.56, Pennagaram village and decide the issue and grant patta.

For Petitioner in
W.P.No.23687/06 : Mr.S.Doraisamy

For Petitioner in
W.P.No.11198/06 : Mr.V.Anna Gandhi

For Respondents-1 to 4 : Mr.K.Ravikumar, AGP
in W.P.No.23687/06 &
R1 to R5 in W.P.No.11198/06

For Respondent-5 in
W.P.No.23687/06 : Mr.V.Anna Gandhi

For Respondent-6 in
W.P.No.11198/06 : Mr.M.Maharaja,
Spl.G.P.(HR&CE)

For Respondents 7 to 10
& 12 to 17 : Mr.S.Doraisamy

COMMON ORDER

Since the issues involved in these writ petitions are one and the same and the parties are also same, both the writ petitions were taken up together and common order is being passed in both the writ petitions.

2. W.P.No.23687 of 2006 has been filed by the petitioners claiming to be the land owners of S.No.56, Ponnagaram Village and the W.P.No.11198 of 2006 has been filed by the Vice President of Ponnagaram Salai Muthu Vinayagar Kovil Management Committee. It is the case of the petitioners/land owners in S.No.56, Ponnagaram Village that their lands were classified as Patta lands as per the re-settlement prior to 1965. However, the resurvey under U.D.R. Scheme, by oversight the lands were classified into Kovil Porambokku in the year 1985. Since the kist receipts were in favour of the petitioners/land owners, they filed an application before the authorities concerned for issuance of patta in their favour. Pending consideration of the said application, the Tahsildar attempted to evict the petitioners/land owners and the

petitioners have filed a writ petition in W.P.No.17356 of 1999 to 17361 of 1999 and an Writ Appeal in W.A.No.2198 to 2203 of 1998 and obtained an interim order in the writ appeal. In the meanwhile, since a direction had been issued by this Court while disposing of the W.P.Nos. 17356 to 17361 of 1999 to the Tahsildar to disposed of their representations and the same had not been complied with, a Contempt Petition had been filed. Thereafter, the Tahsildar issued patta to the petitioners/land owners on 31.01.2002.

3. The same way, the petitioner/Vice President in W.P.No.11198 of 2006 has filed a writ petition in W.P.No.4943 of 2002 seeking to consider the representation for issuance of patta in S.No.56 of Pennagaram Village. Though his plea was rejected, again a writ petition in W.P.No.39973 of 2002 was filed and an interim injunction not to alienate the property was granted on 31.10.2002. Subsequently, the said interim injunction was made absolute and the temple committee filed a revision before the Revenue Divisional Officer. In the revisional order, the Revenue Divisional Officer had observed that the classification of land as Kovil Poramboke is arbitrary and the same was made without

obtaining the remarks from the Hindu Religious and Charitable Endowment Department and had canceled the patta granted by the Tahsildar. However, an appeal was filed by the land owners before the Special Commissioner and Commissioner of Land Administration.

4. The Special Commissioner and Commissioner of Land Administration after affording opportunity to all the parties concerned had passed an order stating that the land in S.No.56 is classified as Koil Poramboke and will not come under the control of HR & CE. In so far as the temple committee, it is observed that the land in S.No.46/1 of Pennagaram Village belongs to Salaimuthu Vinayagar Koil and with regard to the land in S.No.56 of Pennagaram Village the temple committee has not produced any documentary evidence to establish their title. However, with regard to the claim of the land owners, it is observed that house site pattas shall be given to the poor persons and not to dwelling persons, who own their houses. Out of 11 alleged land owners, 9 were owing their houses and landed properties and the two persons were not the residents of Pennagarm Village and hence, the order cancelling the pattas granted to them was confirmed. Against by the said order of the

Special Commissioner and Commissioner of Land Administration, the temple committee preferred the present writ petition (W.P.No.11198 of 2006).

5. I have heard the learned counsel for the petitioners in both the writ petitions and the learned Additional Government Pleader and the learned Special Government Pleader appearing for the HR & CE Department.

6. The question of title in respect of the petitioners in W.P.No.23687 of 2006 has already been settled in view of the detailed order of the Special Commissioner and Commissioner of Land Administration. The same way, the question of title with regard to the temple committee has also been stated by the Special Commissioner and Commissioner of Land Administration. The Special Commissioner and Commissioner of Land Administration has passed the orders after the parties approaching this court by way of filing petitions and as per the directions issued by this Court. Neither any additional evidence nor any documentary proof had been shown before this Court by the petitioners

in both the writ petitions to establish their claim with regard to the title over the property in question.

7. In the aforesaid circumstances, since the title with regard to the land in dispute had already been attained finality, this Court in the absence of any documentary evidence to disprove the claim already made, cannot entertain these writ petitions against the order of the Revisional Authority. Hence, both the writ petitions are dismissed. No costs.

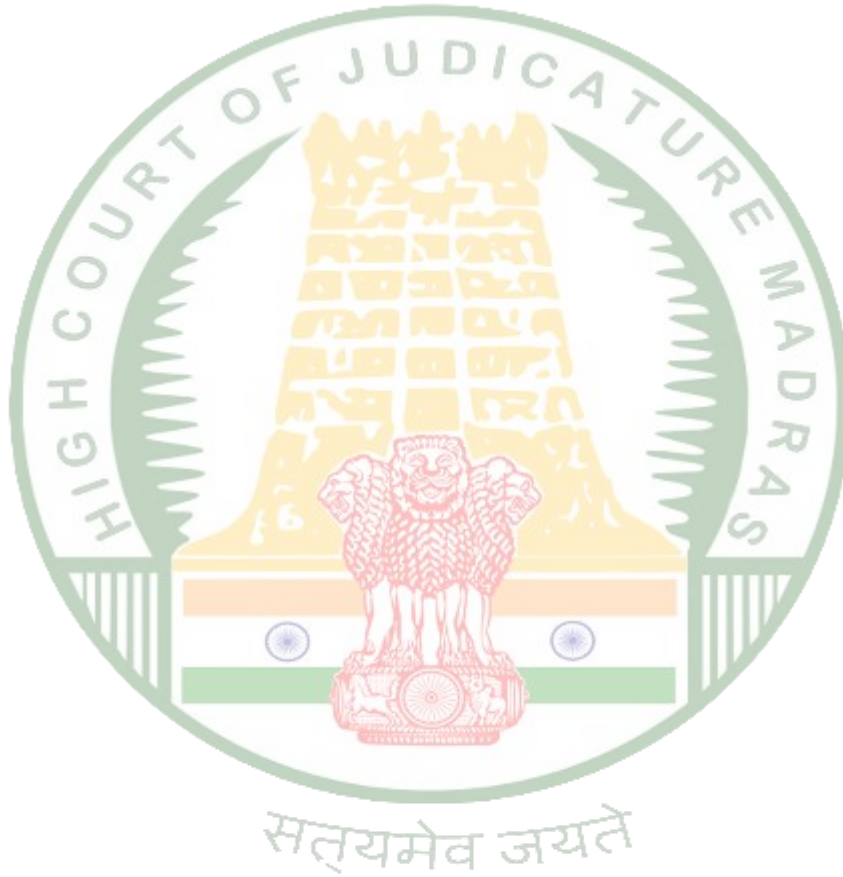
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Internet: Yes/No
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To,

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COMMISSIONER OF LAND ADMINISTRATION CHEPAUK
CHENNAI - 05.
- 2 THE DISTRICT REVENUE OFFICER
DHARMPURI DISTRICT DHARMPURI.
- 3 THE REVENUE DIVISIONAL OFFICER
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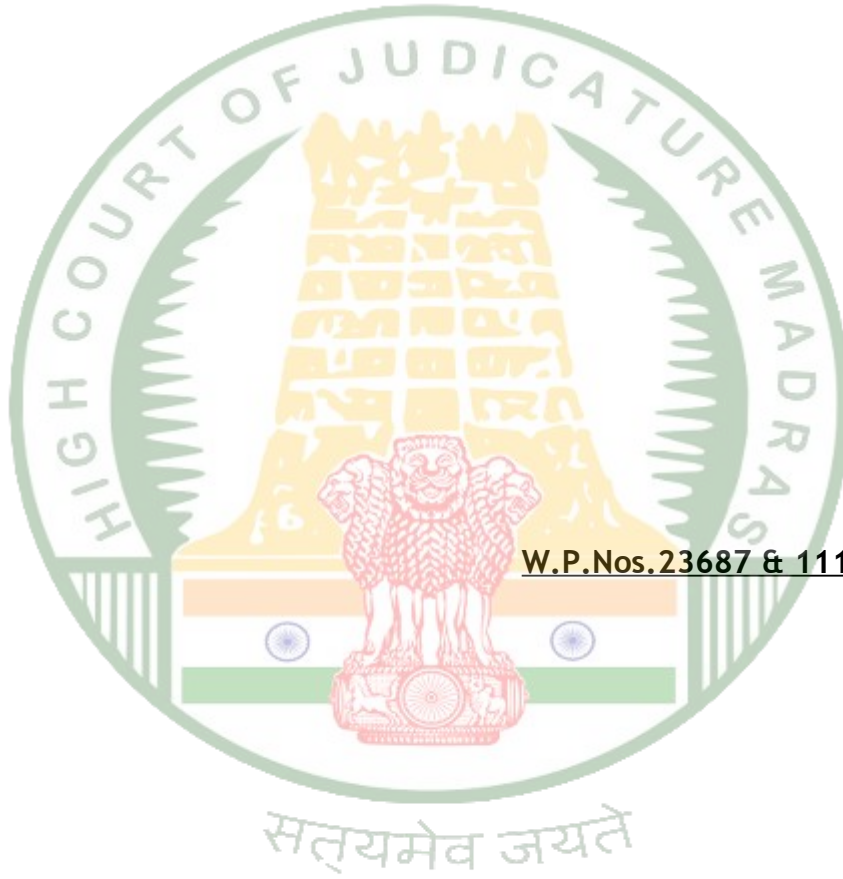
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M.DHANDAPANI, J.

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