

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2018

CORAM

THE HONOURABLE MR.JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.31261, 31266 and 31271 of 2018
and W.M.P.Nos.36445, 36451, 36454,
36459 and 36460 of 2018

Kandasamy ...Petitioner in W.P.No.31261 of 2018

Velusamy ...Petitioner in W.P.No.31266 of 2018

V.Muthulakshmi ...Petitioner in W.P.No.31271 of 2018

..Vs..

- 1.The Assistant Land Survey & Settlement Officer (South)
Survey & Settlement Department,
Government of Tamil Nadu,
Survey House, Chepauk,
Chennai-600 005.
2. The Tahsildar,
Dharapuram Taluk,
Tiruppur District.
3. The Assistant Commissioner,
Hindu Religious & Charitable Endowments Dept.,
Tiruppur District.Respondents in all W.P.'s

Prayer in W.P.No.31261 of 2018: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records and quash the order dated 21.08.2018 passed in Na.Ka.No.2884/2018/AA1, by the 3rd respondent, and consequently direct the respondents 1 and 2 to issue a patta in favour of the petitioner 4 Acres of Agricultural lands comprised in S.No.741/2 of Mulanur Union Thattaravalasu Village (formerly Erisanampalayam Village), Dharapuram Taluk, Tiruppur District.

Prayer in W.P.No.31266 of 2018: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records and quash the order dated 06.08.2018 passed in Na.Ka.No.2654/2018-1/AA1, by the 3rd respondent, and consequently direct the respondents 1 and 2 to issue a patta in favour of the petitioner 4 Acres of Agricultural lands out of a total extent of 20 Acres and 57

cents of lands comprised in S.No.352 of Erisanampalayam Village, Dharapuram Taluk, Tiruppur District.

Prayer in W.P.No.31271 of 2018: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records and quash the order dated 21.08.2018 passed in Na.Ka.No.2883/2018/AA1, by the 3rd respondent, and consequently direct the respondents 1 and 2 to issue a patta in favour of the petitioner for 10.69 Acres of Agricultural lands comprised in S.No.85 of Thoorambadi Village, Dharapuram Taluk, Tiruppur District.

For Petitioners: Mr.E.I.Iyappan
(In all W.P.'s)

For Respondents: Mr.E. Balamurugan
For R1 and R2 Special Government Pleader
For R3 Mr.M.Maharaja
Special Government Pleader

C O M M O N O R D E R

By consent, these Writ Petitions are taken up for final disposal at the stage of admission itself.

2.The petitioners have filed these Writ Petitions challenging the proceedings initiated by the third respondent dated 21.08.2018 and 06.08.2018.

3. The case of the petitioners is that according to the proceedings dated 21.08.2018 and 06.08.2018 of the third respondent, the lands in dispute are listed in the name of the temple as per the 'A' Register and chitta. However, the petitioners state that they are the absolute owners of the said lands. But, the third respondent, claiming to be the owner of the property, had issued the impugned notices to the petitioners calling upon them to surrender the possession of the said lands, failing which proceedings would be initiated under Section 78 of the HR & CE Act. Challenging the same, the petitioners have filed these writ petitions.

4. Heard Mr.E. Balamurugan, learned Special Government Pleader who accepts notice on behalf of the respondents 1 and 2 and Mr.M.Maharaja, learned Special Government Pleader who takes notice on behalf of the third respondent.

5. Considering the facts and circumstances of the case and also considering the fact that there are no documents produced by the petitioners to show their ownership, it is open to the petitioners to produce all their title deeds before the third respondent, who shall consider the documents to be filed by the

petitioners and afford them an opportunity of hearing, on the date to be fixed and pass orders on merits in accordance with law. The said exercise shall be completed within a period of five weeks from the date of receipt of a copy of this order. In the event, if there is any dispute with respect to the title, it is open to the petitioners to move before the appropriate civil Court for declaration of their title.

Accordingly, these Writ Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

s/d-

Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

arr/rli
To

1. The Assistant Land Survey & Settlement Officer (South)
Survey & Settlement Department,
Government of Tamil Nadu,
Survey House, Chepauk,
Chennai-600 005.
2. The Tahsildar,
Dharapuram Taluk,
Tiruppur District.
3. The Assistant Commissioner,
Hindu Religious & Charitable Endowments Dept.,
Tiruppur District.

+3 Ccs to Mr. Ayyappan, Advocate sr 81211, 81212, 81210.
+1 CC to Spl. Govt. Pleader sr 81961, 81959.

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MG (CO)
SP (31/12/2018)

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