

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :18.11.2019

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.8136 of 2019
and
W.M.P.Nos.8718, 8720 of 2019

1.D.Gnanavel

2.F.Solomon Lionel Vijayakumar

.. Petitioners

/versus/

1.The Sub Collector,
Office of the Sub Collector,
Tirupattur, Vellore District 635 601.

2.Mr.N.Saravanan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the 1st respondent from conducting the enquiry in Na.Ka.No.A2/4820/2015 dated 16.07.2018 and pass any orders in pursuance of the enquiry.

For Petitioners :Mr.D.Rajagopal

For Respondents :Mr.K.Ravi Kumar, AGP
for R1

Mr.P.S.Kothandaraman for R2

O R D E R

Writ Petition has been filed seeking Mandamus forbearing the 1st respondent from conducting the enquiry in Na.Ka.No.A2/4820/2015 dated 16.07.2018 and pass any orders in pursuance of the enquiry.

2.Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the 1st respondent and learned counsel appearing for the 2nd respondent.

3. This writ petition is against the summon issued by the first respondent calling upon the petitioners herein to participate in the enquiry regarding the patta issued in their names in respect of S.No.226/1 in Palnankuppam Village, Jolarpettai Sub District, Tirupattur Taluk, Vellore District. The said summons has been issued pursuant to the complaint given by the 2nd respondent, who claims to be the person interested in the Arulmighu Sri Ramanadeeswarar temple as a devotee and the said property belongs to the temple.

4. On perusal of the documents filed in the typed set of papers and relied by the petitioners, the said property is classified as Ryotwaripatta land. After the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963, enquiry has been conducted and one Srinivasalu has been identified as pattadar for the said land as early as 1973. While so, there was a rival claim on the land by the trustees of Arulmighu Sri Ramanadeeswarar temple. It appears that a suit was filed seeking declaration and permanent injunction by the trustees of the temple, but, later it was dismissed for default.

5. In such circumstances, the 2nd respondent has preferred an appeal to the first respondent to conduct enquiry regarding the title of the disputed property. Pursuant to the appeal, summon was issued by the first respondent to the petitioners herein, which is under challenge on the ground that the title is well settled in favour of the petitioners and the first respondent has no authority or jurisdiction to entertain the complaint of the 2nd respondent.

6. The second respondent has filed a counter disputing the claim of the petitioners over the title property and reiterated that the property belongs to Arulmighu Sri Ramanadeeswarar temple and by deceit the petitioners and their family members have obtained patta which has to be cancelled.

7. In view of the disputed question of the fact involved in this case which has to be enquired thoroughly by the revenue officials, this Court is of the view that the summon issued by the first respondent cannot be interfered with at this stage. The petitioners shall participate in the enquiry and place all their defence including the jurisdiction of the first respondent and other merits of the case. The first respondent shall complete the enquiry, after affording fair opportunity to both the parties and pass orders, within a period of two months, from the date of receipt of a copy of this order. If the parties require any revenue documents, that shall be furnished to them on collection of fees.

8. Accordingly, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

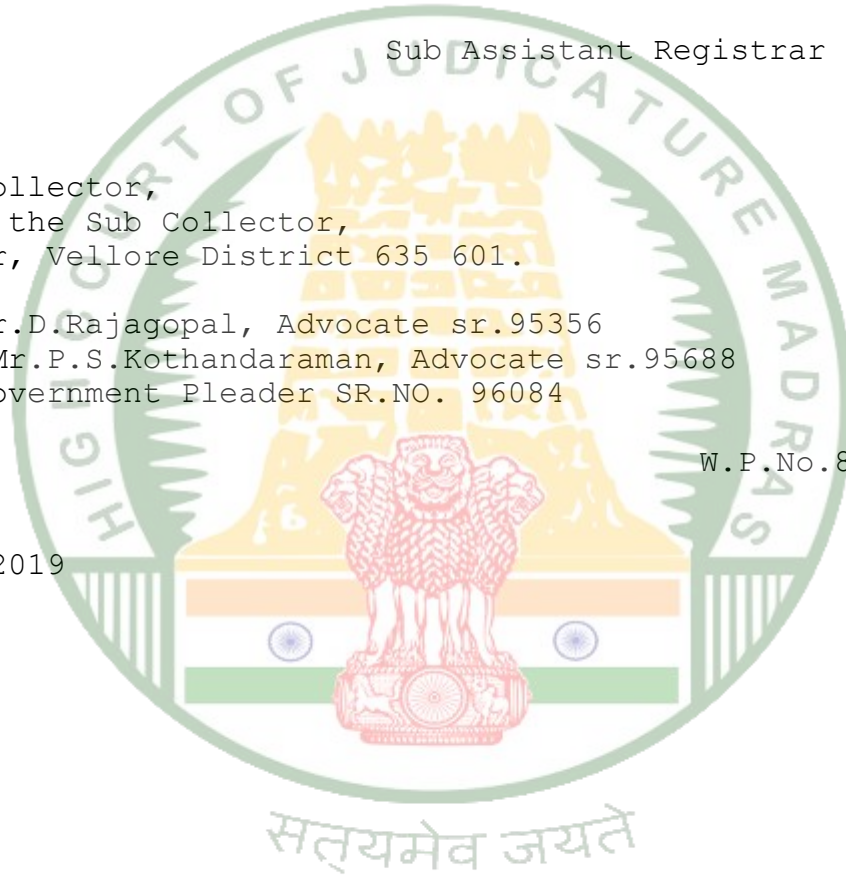
To:

The Sub Collector,
Office of the Sub Collector,
Tirupattur, Vellore District 635 601.

+2cc to Mr.D.Rajagopal, Advocate sr.95356
+1cc to Mr.P.S.Kothandaraman, Advocate sr.95688
+1cc to Government Pleader SR.NO. 96084

W.P.No.8136 of 2019

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