

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.20999 of 2018
and
WMP.Nos.24665 & 24666 of 2019

1. Madimchetty Venkateswara Rao
 2. Madimchetty Brundaveni
 3. Madimchetty Ravi Sudhakar
 4. Madimchetty Vijayakumar
 5. Madimchetty Varalakshmi
- ...Petitioners

Vs.

1. The Union Territory of Puducherry
Director of Local Administration (DLA)
Puducherry.
2. The District Collector
Vazhudavour Road,
Puducherry.
3. The Executive Engineer
Public Works Department
Yanam.
4. The Directorate of Survey and Land Records
Kamaraj Salai
Gnanapragasam Nagar
Saram, Puducherry-605 013.
5. The Commissioner
Yanam Municipality, Yanam.
6. Bhavanarushi Temple
Rep. by Trustee
Yerragunta Street, Yanam-533 464.
7. Padmasali Seva Sangam
Rep. by the President
Mr.Voggu Bavanarushi
Near Government General Hospital
Yerragunta Street, Yanam-633 464.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent vide No.3744/B2/DRDM/2016 Puducherry dated 14.06.2018 and quash the same and consequently, direct the 4th respondent to restore the ownership in the name of the petitioners' mother name Avalakatla Suryakantham D/o.Venkanna for the Survey No.T.S.No.B/24/3, Yerragunta Street, Yanam.

For Petitioners : Mrs.Usha Ramman

For Respondents : Mr.Stalin Abhimanyu
Government Advocate for R1 to R5
Mr.R.Sreedhar, for R6 & R7

O R D E R

This writ petition is filed by the petitioners challenging the proceedings of the second respondent dated 14.06.2018, wherein and whereby, the petitioners' claim over the subject matter property was rejected as not maintainable on the reason that the petitioners were unable to produce any documentary evidence in respect of the subject matter land.

2. Heard the learned counsel for the petitioner, learned Government Advocate for the respondents 1 to 5 and the learned counsel for the respondents 6 & 7.

3. Upon perusing the materials placed before this Court, it is apparent that a title dispute between the petitioners on one side and the Temple on other side exists in respect of the subject matter property. It appears that both sides claimed the right and title over the subject matter property. The Temple seems to have obtained patta in their favour in respect of the property. The second respondent in the impugned order has found that neither the Temple nor the petitioners have filed any documentary evidence in respect of the subject matter land in support of their claim over the same. Needless to state that any entry made in the Revenue records is always subject to the decision of the Civil Court dealing with the title dispute of the respective parties and therefore, considering the facts and circumstances of the present case, this Court is of the view that it is for the petitioners to approach the competent Civil Court and file appropriate Civil Suit with comprehensive relief so that the title dispute between the petitioners on one side and the Temple on other side can be considered and decided by appreciation of the evidence let in by both parties.

4. Therefore, this writ petition is disposed of, without expressing any view on the merits of the claim made by the petitioners as well as the respondent-Temple only with liberty to the petitioners to approach the Civil Court and seek appropriate relief by filing appropriate Civil Suit, by impleading all necessary parties as the parties/defendants. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

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To

1. The Union Territory of Puducherry
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3. The Executive Engineer
Public Works Department
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4. The Directorate of Survey and Land Records
Kamaraj Salai
Gnanapragasam Nagar
Saram, Puducherry-605 013.
5. The Commissioner
Yanam Municipality, Yanam

+1cc to Mr.R.Sreedhar, Advocate SR.No.12212

+1cc to Government Pleader (P) SR.No.12340

W.P.No.20999 of 2018

KSI (CO)
GMY (04/03/2019)