



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **06.03.2020**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD)No.1417 of 2020
and
W.M.P.(MD).No.1139 of 2020

A.Poovan

... Petitioner

Vs.

1.The Special Officer / the District Revenue Officer,
(Temple Lands),
Tamil Nadu Hindu Religious Charitable & Endowment,
Madurai.

2.The Tahsildar,
Vadipatti Taluk Office, Vadipatti,
Madurai (DT).

3.The Executive Officer / Fit Person (Sri Vinayagar Temple,
Konapatti,
Sri Arulmugu Janagai Narayanan Perumal Temple,
Solavanthan, Madurai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order passed by the first respondent in his proceedings in Na.Ka.No.A/272/2018, dated 27.09.2019 and quash the same and consequently, direct the respondents do not interfere with the petitioner's peaceful possession and enjoyment of the property in Survey No.72, to an extent of 0.94.5 hectares situated at Konapattai Village, Vadipatti Taluk, Madurai District.

For Petitioner : Mr.G.Gomathi Sankar
For R-1 & R-2 : Mr.V.R.Shanmuganathan
Special Government Pleader

For R-3 : Mr.K.K.Kannan

O R D E R

This Writ Petition has been filed in the nature of Certiorarified Mandamus, to quash the impugned order, passed by the

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first respondent viz., the Special Officer / the District Revenue Officer, (Temple Lands), Tamil Nadu Hindu Religious Charitable & Endowment, Madurai, in Na.Ka.No. A/272/2018, dated 27.09.2019.

2. The writ petitioner viz., A.Poovan, who is a resident of Vemparali, Parali Pudur (PO), Natham (TK), Dindigul (DT), had purchased a property, bearing Survey No.72, to an extent of 0.94.5 Hectares, in Konapatti Village, Dindigul District, on 27.03.1997, by a registered sale deed in Document No.564 / 1997. The petitioner claims that the patta has been changed in his name and he has also been paying tax and other statutory dues to the Authority. He is also in possession and enjoyment of the said property without any interference. In the affidavit filed in support of the Writ Petition, the petitioner has also stated that the said land originally belonged to one Pethana Samy, who had executed a registered sale deed in favour of one Adhisamiyar on 19.01.1979 and on 22.01.1979, the revenue records were also mutated in favour of Adhimsamiyar. The said Adhisamiyar then, executed a sale deed in favour of one Narayanasamy, under registered sale deed in document No.924 / 1980. The petitioner had purchased the property from the above said Narayanasamy. He claims uninterrupted flow of title and possession. The petitioner is aggrieved by the order of the first respondent, cancelling the patta and the sale deed on the ground that the said property actually belongs to Arulmigu Ayyanar Temple and that UDR Patta had been wrongly mutated in the name of the petitioner. The petitioner was called to attend for an enquiry. But, he did not attend the enquiry. Thereafter, the impugned order has been passed. It may not be appropriate to go further into the reasons given in the impugned order, since as against the said order, a civil suit can be filed and that is actually stated in the order itself. Time limit for filing such suit is 30 days. The impugned order was passed on 21.10.2019 and the petitioner has filed this Writ Petition on 21.01.2020. The petitioner if it is legally permissible, can take an advantage of the prosecution before this Court, by filing this Writ Petition as a bonafide proceedings under Section 14 of the Limitation Act, 1960.

3. With the above observations, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.The Special Officer / the District Revenue Officer,
(Temple Lands),
Tamil Nadu Hindu Religious Charitable & Endowment,
Madurai.

2.The Tahsildar,
Vadipatti Taluk Office, Vadipatti,
Madurai (DT).

+1 CC to M/s.K.K.KANNAN, Advocate (SR-10418[F] dated 06/03/2020)

+1 CC to M/s.G.GOMATHI SANKAR, Advocate (SR-10482[F] dated
06/03/2020)

Order made in
W.P. (MD)No.1417 of 2020
Dated:06.03.2020

SDS (04.05.2020) 3P-5C