



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **03.11.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

W.P (MD) No.15187 of 2020

St.Xavier Church,
represented by its Parish Priest,
S.Jeyaraj

... Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The District Revenue Officer,
O/o. District Revenue Officer,
Dindigul District, Dindigul.

3.The Revenue Divisional Officer,
O/o, The Revenue Divisional Officer,
Dindigul District, Dindigul.

4.The Tahsildar,
Tahsildar Office,
Nilakottai Taluk,
Dindigul District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to effect necessary mutations in all the revenue records such as patta, chitta, village FMB, A register and Adangal in favour of the petitioner's Church namely, St.Xavier Church @ Sarveswaran Church for the properties pertaining to Survey No.279 at Melakovilpatty Village, Batlagundu Post, Nilakottai Taluk, Dindigul District within the time frame fixed by this Court.

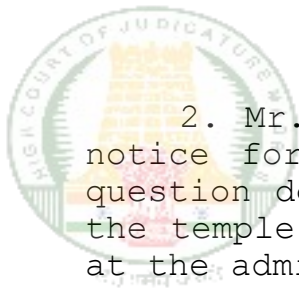
For Petitioner : Mr.T.Lajapathy Roy

For Respondents : Mr.M.Muniyasamy

Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a direction to the respondents 1 to 4 to effect necessary mutations in all the revenue records such as patta, chitta, village FMB, A register and Adangal in favour of the petitioner's Church namely, St.Xavier Church @ Sarveswaran Church for the properties pertaining to Survey No.279 at Melakovilpatty Village, Batlagundu Post, Nilakottai Taluk, Dindigul District within the time frame fixed by this Court.

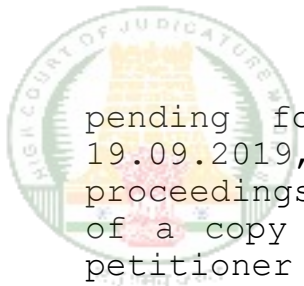


2. Mr.M.Muniyasamy, learned Additional Government Pleader takes notice for the respondents and he would submit that the land in question does not belong to the petitioner Church and it belongs to the temple. By consent, the writ petition is taken up for disposal at the admission stage itself.

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3. The case of the petitioner is that the lands in Survey No.279 situated at No.77, Ambalakaran Patti, Melur Taluk, Madurai District to an extent of 4 acre 27 cents originally belonged to five persons, namely, Gnanamuthu Natamai, S.Gnanamuthu Seervai, Vedanayakam Seervai, M.Savarimuthu Kovil Pillat and Anthony Moovarayar and they had executed a Gift deed in favour of the Bishop Dr.J.Leonard DD Madurai Roman Catholic Mission Madurai Diocese Society and registered the same in Document No.1641 of 1945. Thereafter, the said property has been in possession of the petitioner from the year 1945 and in the year 1948 a Church was built and thereafter since the building became dilapidated the renovation was made in the year 1998. Since there was no school in the said locality the petitioner requested for formation of School for the village and the School was established to an extent of 3100 sq. ft. inside the said property. In these circumstance, the Patta issued by the Tahsildar in Patta No.270, ie., prior to upgradation of UDR, the revenue records reflected as "Sarveswaran Kovil (Church) Pudhur Athan Tarkaliga Manager" that the revenue records stood in the name of the Manager of the Sarveswaran Church. But after the UDR upgradation, the said property was shown as "Sarveswaran Kovil Maniyam". Therefore mentioning the above said facts, the petitioner made a representation to the fourth respondent on 09.09.2019 to effect necessary mutations in all the revenue records such as Patta, Chitta, Village FMB, A-register and Adangal to show the ownership of the petitioner's Church, namely, St.Xavier Church @ Sarveswaran Church instead of Sarveswaran Kovil Maniyam for the properties pertaining to Survey No.279 at Melakovilpatty Village, Batlagundu Post, Nilakottai Taluk, Dindigul District. The Revenue Divisional Officer forwarded the petitioner's representation to the Tahsildar to effect necessary amendments through proceedings dated 19.09.2019. Despite the same, no further action has been initiated till date. In such circumstances, the petitioner has come forward with the present writ petition.

4. A reading of the averments in the writ petition discloses the fact that by way of his communication dated 19.09.2019, the Revenue Divisional Officer has mandated the Tahsildar to conduct a detailed enquiry and submit a report in this regard. According to the petitioner, no further proceedings have taken place. At the same time, the learned Additional Government Pleader represented that the land does not belong to the petitioner and it belongs to the temple. The petitioner in his representation made a request for mutation of records and the Tahsildar may look into the matter based on the documents available in the petition so that the Revenue Divisional Officer can make a final call in the matter. As the matter is



pending for more than a year as per the communication dated 19.09.2019, the concerned respondents are directed to complete the proceedings within a period of twelve weeks from the date of receipt of a copy of this order and communicate the said decision to the petitioner within a period of two weeks thereafter.

5. With the above direction, this writ petition stands disposed of. No Costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

To

1.The District Collector,
Dindigul District,
Dindigul.

2.The District Revenue Officer,
O/o. District Revenue Officer,
Dindigul District,
Dindigul.

3.The Revenue Divisional Officer,
O/o, The Revenue Divisional Officer,
Dindigul District,
Dindigul.

4.The Tahsildar,
Tahsildar Office,
Nilakottai Taluk,
Dindigul District.

+1 CC to the SPL GP SR-21101.

+1 CC to Mr.T.LAJAPATHI ROY, Advocate SR-21038.

**W.P (MD) No.15187 of 2020
03.11.2020**

CK (CO)
CS (23.11.2020) 3P 7C