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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.6028 OF 2020
AND W.M.P.NOS.7077 AND 7078 OF 2020

Rev.Abrahamdass ...Petitioners
President Kremmer
Sandegren Foundation,
Pattukottai, St. Johns Church Complex,
Rockings Road, Trichy.

Vs.

1.The Additional Magistrate cum
District Revenue Officer,
Coimbatore District,
Coimbatore.

2.Kamaleshwaran ...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus Call for the records pertaining to the impugned order bearing No.Ni.Mu.13779 / 2019 / E1 dated 12.02.2020, on the file of the 1st Respondent as illegal and consequently direct the 1st Respondent to mutate the petitioners name in the patta for the lands comprised in Survey No. 581, having extent of 4.36 Acres, situated in Kurichi Village, Madhukarai Taluk, Coimbatore district.

For Petitioner : Mr.I.Sam Jegan
For R1 : Mr.V.Veluchamy
Additional Government Pleader
For R2 : Mr.A.Raja

O R D E R

The petitioner has filed this petition for issuance of writ of Certiorarified Mandamus to call for the records pertaining to the impugned order bearing No.Ni.Mu.13779 / 2019 / E1 dated 12.02.2020, on the file of the 1st Respondent and quash the same



and consequently direct the 1st Respondent to mutate the petitioner's name in the patta for the lands comprised in Survey No. 581, having extent of 4.36 Acres, situated in Kurichi Village, Madhukarai Taluk, Coimbatore district.

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2. The case of the petitioner is that the petitioner's Society namely Kremmer Sandegren Foundation, Pattukottai, was founded in the year 1957 with a vision of doing divine and social services at India and the said Society was amalgamated with the Church of Sweden Mission in India and thereafter, the petitioner's Association administering and owning the properties which were previously owned by the said Mission. While so, one Mr. Gideon filed a Writ Petition before the Madurai Bench of this Court in W.P.(MD).No.5077 of 2017 to consider his representation and to conduct enquiry and the same was allowed by this Court with a direction to conduct an enquiry. In compliance of the said order, the District Registrar of Societies, Trichirapalli, conducted the enquiry and the said official decided the issue in favour of the petitioner vide order dated 15.03.2019. Thereafter, the 1st respondent conducted an enquiry on the Revision Petition filed against the order of the Revenue Divisional Officer, South Division, Coimbatore District, dated 17.10.2018 and the said Revision was entertained by the 1st respondent and he passed the impugned order without conducting proper enquiry and without considering the documents filed by the petitioner, had wrongly stated that the 2nd respondent is the President of the petitioner's Association and ordered to transfer the patta in the name of the 2nd respondent by the impugned order of the 1st respondent dated 12.02.2020. Hence, the petitioner without any option, has filed the present Writ Petition.

3. The learned counsel appearing for the petitioner submitted that on the very same issue, already a Civil Suit is pending between the parties in O.S.No.1150 of 2020, before the District Munsif Court, Coimbatore, filed by the petitioner for declaration and for permanent injunction restraining the private respondents herein from interfering with the petitioner's possession and similarly, the private respondents also filed a Suit in O.S.No.1053 of 2020, on the file of the Sub Court, Coimbatore, for bare injunction and both the Suits are pending. Hence, this Court may permit the petitioner to canvass all the points before the Civil Court in the pending Suits.

4. The learned counsel appearing for the respondents submitted that already, the petitioner has filed O.S.No.257/2020 and the same was dismissed on 12.02.2021 and now the pending Suits are nothing to do with the present impugned order and prays for dismissal of this petition.



5. This Court has carefully considered the rival submissions and also perused the materials available on record.

6. Considering the limited request made by the petitioner, this Court without going into the merits of the claim projected by the petitioner in the petition and without interfering with the impugned order, permits the petitioner to canvass all the points before the competent Civil Court in the pending Suits or before Lower Appellate Court and the Trial Court without being influenced by any earlier orders including the present impugned order herein, shall decide the matter independently.

7. This Writ Petition is dismissed with the above observations. NO costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

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To

The Additional Magistrate cum
District Revenue Officer,
Coimbatore District,
Coimbatore.

+1cc to M/s.I.Sam Jegan, Advocate, Sr.No.20087

+1cc to the Special Government Pleader, Sr.No.20663

W.P.No.6028 of 2020

SKM(CO)
RVM(11/04/2022)