



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. Nos.30327 to 30332 of 2013
and M.P.Nos.1,1,1,1,1,1, 2 and 2 of 2013
and WMP.Nos.4699 to 4703 of 2013

M.Parasuraman	... Petitioner in W.P.No.30327 of 2013
G.Venkatesan	... Petitioner in W.P.No.30328 of 2013
G.Subramani	... Petitioner in W.P.No.30329 of 2013
V.Jayaraman	... Petitioner in W.P.No.30330 of 2013
D.Settu	... Petitioner in W.P.No.30331 of 2013
R.Maragatham	... Petitioner in W.P.No.30332 of 2013

Vs.

- 1.The District Revenue Officer,
Thiruvannamalai District,
Thiruvannamalai.
- 2.The Tahsildar,
Polur Taluk,
Thiruvannamalai District.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Thiruvannamalai.
- 4.The Executive Officer,
Arulmigu Palani Andavar Koil,
Pushpagiri Village,
Sandavasal Post,
Polur Taluk,
Thiruvannamalai District. ... Respondents in all WPs

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records on the file of the first respondent culminated in Na.Ka.M2/33141/2013 dated 24.10.2013 and quash the same.



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For Petitioner : M/s.N.Sampath
(In all W.Ps.)

For R1 & R2 : Mr.G.Nanmaran
(In all W.Ps.) Special Government Pleader

For R3 & R4 : Mr.S.Yaswanth
(In all W.Ps.) Additional Government Pleader
(HR&CE)

C O M M O N O R D E R

The present petitions have been filed to call for the records on the file of the first respondent culminated in Na.Ka.M2/33141/2013 dated 24.10.2013 and quash the same.

2. The learned Additional Government Advocate and the learned Special Government Advocate takes notice for the official respondents. In view of the limited relief sought for in these petitions and on the consent expressed by the learned counsel appearing on either side, these petitions are taken up for final disposal.

3. The petitioners claim that the property in Survey No.338/4 of an extent of 4 cents, belongs to the petitioners and since 47 years, they were enjoying the property. However, at the instigation of the 4th respondent, the patta was granted in favour of the petitioners. Subsequently, by way of the impugned order in Na.KA.M2/33141/2013 dated 24.10.2013, was cancelled the Patta. Challenging the same, the present writ petitions are filed.

4. The learned counsel appearing for the petitioners submitted that, already the petitioners had purchased the property through a valid sale consideration and it purchased in the year 1965 and the Patta stands in the name of the petitioners and the Patta which was cancelled after 47 years is not sustainable. Even the title cannot be decided by the Revenue Officials. Hence, this Court may permit the petitioners to approach the Civil Court to establish their title and this Court may also direct the Civil Court to decide the case independently.

5. The learned Additional Government Pleader and the learned Special Government Pleader has no serious objection for adopting the above course by this Court.

6. In view of the above, this Court is not inclined to interfere with the order passed by the Revenue Authorities.



Admittedly, the Patta that stands in the name of the petitioners was cancelled at the instigation of the 4th respondent on the ground that the Patta stands in the name of the temple. The issues that arise in the present writ petitions are seriously disputed which cannot be decided by this Court or by the Revenue Officials. Hence, without expressing any opinion on the merits of the case, this Court directs the petitioner to file a suit before the respective Jurisdictional Court. If the petitioners succeed in the suit, liberty is granted to the petitioners to file an appropriate application before the Revenue Officials. The Civil Court is directed to dispose of the case independently, without influenced by the orders of the Revenue Authorities and the observations made in this order.

7. With the above direction, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

Psa

To

- 1.The District Revenue Officer,
Thiruvannamalai District,
Thiruvannamalai.
- 2.The Tahsildar,
Polur Taluk, Thiruvannamalai District.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Thiruvannamalai.
- 4.The Executive Officer,
Arulmigu Palani Andavar Koil,
Pushpagiri Village,
Sandavasal Post,
Polur Taluk, Thiruvannamalai District.

+6cc to Mr.N.Sampath, Advocate, S.R.No.16138 to 16143

+1cc to the Government Pleader, S.R.No.16251

W.P. Nos.30327 to 30332 of 2013

SSV(CO)

SB(21/04/2022)