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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.32170 of 2013
& M.P. No. 1 of 2013
and
Criminal O.P.Nos.2049 & 2050 of 2014

W.P.No.32170 of 2013

A.Murugesan
S/o. Ammasi

...Petitioner

-Vs-

1. The District Collector
Office of the District Collector
Salem.
2. Revenue Divisional Officer
Office of the Revenue Divisional Officer
Sangagiri Taluk,
Salem District.
3. The District Revenue Officer
Sangagiri, Salem District.
4. The Executive Officer
Hindu Religious and Charitable Endowments
Department, Salem.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records on the files of the 2nd respondent Revenue Divisional Officer in Na.Ka.No.1034/2013/C, dated 27.09.2013 and quash the same and consequently restrain the 3rd Respondent District Revenue Officer, Salem from conducting any enquiry in furtherance to the report submitted by the 2nd Respondent Revenue Divisional Officer in Na.Ka.No.1034/2013/C dated 27.09.2013 as far as the petitioner's property is concerned.



Criminal O.P.No.2049 of 2014

A.Murugesan,
S/o. Ammasi

...Petitioner

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-Vs-

1. The Superintendent of Police,
Office of Superintendent of Police,
Sankagiri Taluk, Salem District.

2. The Inspector of Police
Magudanchavadi Police Station
Sankagiri Taluk, Salem District.

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents to provide police protection to the petitioner so as to enable the petitioner to be in peaceful possession and run educational institution situated in the land comprised in survey No.475/7A measuring an extent of 5.18 Acres situated at Edangansalai village, Sangagiri taluk, Salem District.

Criminal O.P.No.2050 of 2014

A.Murugesan,
S/o. Ammasi

...Petitioner

-Vs-

1. The Superintendent of Police
Office of Superintendent of Police
Sankagiri Taluk, Salem District.

2. The Inspector of Police
Magudanchavadi Police Station
Sankagiri Taluk, Salem District.

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents to register the F.I.R. based upon the petitioner's complaint dated 09.12.2013 in accordance with law.

For Petitioner
in all the Petitions

: Mrs.Rita Chandrasekaran
for M/s.Aiyar and Dolia

For Respondents
in all the Petitions

: Mr.C.E.Pratap
Government Advocate (Crl.Side)



C O M M O N O R D E R

This Writ Petition has been filed challenging the order passed by the 2nd respondent Revenue Divisional Officer dated 27.09.2013.

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2. The grievance of the petitioner is that, he is the absolute owner of the property in Survey No. 475/7A situated at Edangansalai Village, Sangagiri Taluk, Salem District. Originally, a ryotwari patta has been granted in favour of his vendor, under the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963. Thereafter, he has purchased the property in the year 2009, ever since the purchase, he is in possession and enjoyment of the property. In the meantime, he came to understand that the 4th respondent temple, aggrieved over the grant of ryotwari patta, has filed an appeal before the Settlement Officer, Salem and the same is pending. While so, some frivolous complaint has been filed as if the ryotwari patta in respect of temple land has been erroneously given to various persons, for which an enquiry has been ordered and the 1st respondent District Collector directed the 2nd respondent Revenue Divisional Officer to conduct the enquiry and submit his report. Based on that order, the 2nd respondent conducted enquiry and submitted a report to the 1st respondent District Collector, wherein the 2nd respondent stated that the ryotwari patta has been granted in the year 1965 after the expiry of statutory period of six months and the beneficiary has also paid the cost of land. The 2nd respondent has further stated that, the appeal filed by the temple is pending before the 3rd respondent District Revenue Officer and the 3rd respondent has to decide the appeal on its merits. Now, challenging the said order, the present Writ Petition has been filed.

3. Heard submissions made by Mrs. Rita Chandrasekaran, learned counsel appearing for petitioner, learned Government Advocate appearing for respondents and Mr. N.Manokaran, learned counsel for appearing for impleading petitioner and perused the records.

4. On perusal of the impugned order, it is seen that based on some complaint regarding grant of ryotwari patta, an enquiry was ordered by the 1st respondent, the 2nd Respondent, the enquiry officer has given a report, which was impugned in this Writ Petition. On further perusal, it could be seen that there is no adverse findings against the petitioner. The 2nd respondent Revenue Divisional Officer has only submitted that, the appeal is pending with the 3rd respondent District Revenue Officer and the issue is to be decided on merits. In the above circumstances, I find no irregularity in the order, and no merit in this Writ Petition.



5. Now, it is stated that appeals are pending before the 3rd respondent District Revenue Officer from the year 2013, and the 3rd respondent District Revenue Officer is directed to dispose the appeal within a period of three months from the date of receipt of copy of this order after hearing the parties, till then, the petitioner's possession should not be disturbed. Accordingly, this Writ Petition and connected Criminal Original Petitions are dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Office of the District Collector,
Salem.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sangagiri Taluk,
Salem District.
- 3.The District Revenue Officer,
Sangagiri,
Salem District.
- 4.The Executive Officer,
Hindu Religious and Charitable Endowments,
Department, Salem.
- 5.The Superintendent of Police,
Office of Superintendent of Police,
Sankagiri Taluk,
Salem District.
- 6.The Inspector of Police,
Magudanchavadi Police Station,
Sankagiri Taluk, Salem District.



7.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Manokaran, Advocate SR. No.2092
+1cc to M/s.Aiyar & Dolia, Advocate SR. No.1893
+1cc to M/s.G.Sumitra, Advocate SR. No.1802

W.P.No. 32170 of 2013
& CrI. O.P.Nos.2049 & 2050 of 2014

MT (CO)
PR (31/01/2022)