

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NOS.25187 AND 24913 OF 2014
AND M.P.NOS.1 TO 3 (IN BOTH PETITION)

1.G.Mathiazhagan
2.V.G.Paneerselvam

...Petitioner in W.P.No.25187/2014

M.Govindarajan

... Petitioner in W.P.No.24913/2014

Vs.

1. District Revenue Officer,
Ariyalur District, Ariyalur.
2. Revenue Divisional Officer,
Udayarpalayam, Ariyalur District.
3. The Special Tahsildar,
Temple Lands, Chidambaram.
4. The Special Tahsildar,
Natham Alavai,
Musiri Taluk,
Trichirapalli District.
5. The Tahsildar,
Udayarpalayam Taluk,
Ariyalur District.

... Respondents 1 to 5 in both petitions

6. Mr.Govindarajan

... 6th Respondent in 25187/2014

6. Mathiazhagan

... R6 in W.P.No.24913/2014

Common Prayer:

This Writ Petition filed under Section 226 of Constitution of India, pleased to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings of the First Respondent in Na.Ka.Aa 2/7789/2012 dt.10.02.2014 and quash the same and consequently direct the First Respondent to order to restore the Patta No.1422 in the name of the Petitioners to restore the patta in the name of the Petitioner respectively.

For Petitioner in W.P.No.25187/2014: Mr.M.Kosalaraman

For Petitioner in W.P.No.24913/2014: Ms.M.Kalyani

For Respondents in both petitions : Mr.Yogesh Kannadasan
Special Government Pleader

Common Order

These petitions have been filed for issuance of writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings of the First Respondent in Na.Ka.Aa 2/7789/2012 dt.10.02.2014 and quash the same and consequently direct the First Respondent to restore the Patta No.1422 in the name of the Petitioners.

2. The case of the petitioners is that the petitioner in W.P.No.21913/2014, viz., Govindarajan, sold five acres of land in S.F.No.220 of Kundaveli West Village, Udayarpalayam Taluk, Ariyalur District, each to the petitioners in W.P.Nos.25187/2014. After purchase, the petitioners in W.P.Nos.25187/2014, applied for patta before the Tahsildar, Udayarpalayam and the said official also issued joint patta in the name of the petitioners and thereafter, they have been in absolute possession of the said property. While being so, some third party belonging to that locality, have filed a petition before the DRO, Udayarpalayam / 2nd respondent seeking cancellation of the patta, which was granted to the petitioner in W.P.No.21913/2014, by claiming that the said lands belonged to the Arulmighu Chidambaram Sabanayagar Swamy Temple. Thereafter, the 2nd respondent had conducted an enquiry in this regard and however it is alleged that the petitioners were not called for enquiry. Subsequently the 2nd respondent herein by his proceedings dated 20.06.2012, had cancelled the patta. Challenging the same, the petitioners have filed a Revision before the District Revenue Officer, Ariyalur District / 1st respondent. Unfortunately, the 1st respondent rejected the

Revision Petition and upheld the impugned proceedings of the 2nd respondent. Aggrieved by the same, these petitions are filed by the petitioners.

3. The learned counsel appearing for the petitioners submitted that though the petitioners claim that they are the absolute owner of the above said property, since the issue arises revolves around the title dispute, this Court may permit the petitioners to file appropriate Civil Suit before the jurisdictional Civil Court for establishment of their title and if the petitioners succeeds the case before the competent Civil Court, a liberty may be granted to the petitioners to file fresh application before the jurisdictional Tahsildar for issuance of patta. The learned counsel appearing for the petitioners further submitted that the Registry may be directed to return the original impugned order to enable them to file appropriate Civil Suit before the competent Court.

4. The learned Special Government Pleader appearing for the official respondents has drawn the attention of this Court to the counter affidavit and submitted that on receipt of the representation from the third parties for cancellation of patta, the Revenue Divisional Officer, Udayarpalayam, has sent notice to the petitioners for enquiry, who also submitted their written submissions stating that the said property is the ancestral property of the petitioner in W.P.No.24913/2014, who sold the said property to the petitioners in W.P.No.25187/2014. Thereafter, the Special Tahsildar, Chidambaram, in his report dated 13.04.2009, reported that in 'A' Register of the year 1924, it was found that the said land stands clarified as temple lands in the name of 'Chidambaram Arulmigu Sabanayagar', however the petitioner in W.P.No.24913/2014, managed to transfer the patta in his name and thereby cancelled the patta issued in favour of him and directed to issue a separate patta in favour of the said Temple. Further he submitted that since the order of the Revenue Divisional Officer, Udayarpalayam, is valid, the appeal filed by the petitioners was rejected vide the impugned order. Hence, there is no error in passing the impugned order and accordingly prays for dismissal of these petitions.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. Though counter affidavit is filed stating the property in question is belonging to the 'Arulmigu Chidambaram Sabanayagar Temple', however inadvertently patta has been granted to the petitioner in W.P.No.24913/2014, who sold the same to the petitioners in W.P.No.25187/2014. However, considering the limited prayer sought for by the petitioners, this Court without interfering with the orders impugned in these Writ Petitions,

permit the petitioners to file appropriate Civil Suit before the competent Civil Forum for establishment of their title and if they establishes title before the competent Civil Court and got decree in favour of them, they are at liberty to file fresh application before the competent authority for issuance of patta. Further, the Registry is directed to return the original papers to the petitioners to enable them to file a Suit before the Competent Court and the period during which the petition pending before this Court is excluded for the purpose of computation of limitation period in the Suit.

7. These Writ Petitions are disposed of with the above observations.No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. District Revenue Officer,
Ariyalur District,
Ariyalur.
2. Revenue Divisional Officer,
Udayarpalayam,
Ariyalur District.
3. The Special Tahsildar,
Temple Lands,
Chidambaram.
4. The Special Tahsildar,
Natham Alavai,
Musiri Taluk,
Trichirapalli District.
5. The Tahsildar,
Udayarpalayam Taluk,
Ariyalur District.

Copy To

The Section Officer,
ER Section, High Court,
Madras.

+1cc to Mr.M.Kosalaraman, Advocate, S.R.No.28817

+1cc to Ms.M.Kalyani, Advocate, S.R.No.28816

+1cc to the Government Pleader, S.R.No.28899

W.P.Nos.25187 and 24913 of 2014

JPL(CO)
PM/23/05/2022