



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. NO.26747 OF 2014

AND

W.M.P.NOS.1 TO 3 OF 2014

1.V.Gopi
2.V.Raghunathan
3.V.Murali
4.V.Ravi

... Petitioners

Vs.

1. The Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai-600 005.

2. The District Revenue Officer,
Tiruvannamalai District,
Tiruvannamalai.

3. The Assistant Commissioner,
HR & CE (Administration) Department,
Tiruvannamalai.

4. The Executive Officer,
Sri Radha Madhava Perumal Temple,
Rattinamangalam,
Arni Taluk,
Tiruvannamalai District.

... Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records in the proceedings bearing Na.Ka.M2/36864/2012 dated 17.01.2014 on the file of the District Revenue Officer, Tiruvannamalai District, the second respondent herein and to quash the same.



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For Petitioners : Mr.A.V.Arun & R.Vinoth Kumar
For R1 & R2 : Mr.T.Chezhiyan
Additional Government Pleader
For R3 & R4 : Mr.K.Karthikeyan
Government Advocate (HR & CE)

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Certiorari to call for the records in the proceedings bearing Na.Ka.M2/36864/2012, dated 17.01.2014, on the file of the second respondent/the District Revenue Officer, Tiruvannamalai District and to quash the same.

2. The learned Additional Government Pleader and the learned Government Advocate takes notice for the official respondents. In view of the limited relief sought for in this petition and on the consent of the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The learned counsel appearing for the petitioners submitted that the petitioners are the owners of the property in Survey No.133/7A, Rattinamangalam Village, Tiruvannamalai District. The said land was enjoyed by the petitioners' grand father namely Chinnadas. The above said Patta is a Ryotwari Patta and the same was granted by the Assistant Settlement Officer, Chengalpet under the Tamil Nadu Minor Inams (Abolition and Conversion of Ryotwari) Act, 1963. Subsequently, the petitioners obtained Patta from the Revenue Officials based on the earlier Patta. However, subsequently, the 3rd respondent made a claim before the District Revenue Officer, Tiruvannamalai. After adjudication, the District Revenue Officer, granted Patta in favour of the 3rd respondent Temple and cancelled the Patta possessed by the petitioner. Challenging the same, the present writ petition is filed with the above said prayer.

4. The learned counsel for the petitioners submitted that, since the dispute in this Writ Petition appears to be civil in nature, this Court may permit the petitioners to approach appropriate Civil Court for establishing the title over the property and prayed that this Court may issue direction to the Civil Court to pass orders independently, without influencing the observations made by the District Revenue Officer.

5 The learned Additional Government Pleader and the learned Government Advocate appearing on behalf of the official respondents have no serious objection for adopting the above course by this Court.



6. In view of the limited relief sought for by the petitioners, without interfering with the impugned order, this Court directs the petitioners to file appropriate petition before the competent Civil Court. If such petition is filed, Civil Court is directed to dispose of the case independently, without influencing by the Revenue Authority decision.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Psa

To

1. The Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai-600 005.
2. The District Revenue Officer,
Tiruvannamalai District,
Tiruvannamalai.
3. The Assistant Commissioner,
HR & CE (Administration) Department,
Tiruvannamalai.
4. The Executive Officer,
Sri Radha Madhava Perumal Temple,
Rattinamangalam,
Arni Taluk,
Tiruvannamalai District.

+1cc to Mr.A.V.Arun, Advocate, S.R.No.15803
+1cc to the Government Pleader, S.R.No.16485

W.P. No.26747 of 2014

NRL(CO)
PM/25/03/2022