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W.P.Nos. 19386 & 23020 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos. 19386 & 23020 of 2018

and

W.M.P.Nos.22787, 22788, 26914 and 26915 of 2018

W.P.No.19386/2018:

1. K.R.Duraisamy
2. Chinnasamy
3. S.S. Sakthivel

... Petitioners

W.P.No. 23020/2018:

1. S.M. Natarajan
2. C.Muthusamy
3. L. Ganesan
4. C.Padmanathan

... Petitioners

Versus

1. The District Collector
District Collectorate
Dheeran Chinnamalai Maaligai
Erode District-638 011.
2. The Revenue Divisional Officer
Revenue Divisional Office
Brough Road
Erode District-638 011.
3. Kolandasamy
4. Pon Deepankar
5. Muthukrishnan



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6. Shanmugam
7. Gopalsamy
8. Muthusamy
9. Thangaraj
10. Chinnusamy
11. Velusamy
12. Chenniappan
13. Selvan
14. Dakshinamoorthy @ Krishnamoorthy
15. K.R. Duraisamy
16. Chinnasamy
17. S.S. Sakthivel

In WP.No.19386/2018:

1. The District Collector
District Collectorate
Dheeran Chinnamalai Maaligai
Erode District-638 011.
2. The Revenue Divisional Officer
Revenue Divisional Office
Brough Road
Erode District-638 011.
3. Kolandasamy
4. Pon Deepankar
5. Muthukrishnan
6. Shanmugam
7. Gopalsamy
8. Muthusamy
9. Thangaraj
10. Chinnusamy
11. Velusamy
12. Chenniappan
13. Selvan



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14.Dakshinamoorthy @ Krishnamoorthy

15.S.M.Natarajan

16.C.Muthusamy

17.L.Ganesan

18.Padmanabhan

...Respondents

Prayer in WP.No.19386 of 2018:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order made in Na.Ka.No.1460/2016/A2, dated 15.05.2018 (served on 06.07.2018) passed by the second respondent, quash the same and consequently to direct the respondents 1 and 2 to recognize the rights of the petitioners (C Parties) along with A, B and D parties in and over the subject matter property measuring an extent of 00111 sq.meter comprised in Natham R.S.No.787/8 of Chennimalai, Erode District.

Prayer in WP.No.23020 of 2018:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order made in Na.Ka.No.1460/2016/A2, dated 15.05.2018 on the file of the 2nd respondent, quash the same and consequently to direct the respondents 1 and 2 to recognize the rights and safeguard the interest of the petitioners (D Parties) along with A, B and C parties in and over the above subject matter property measuring an extent of 00111 sq.meter comprised in Natham R.S.No.787/8, North Car Street,



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Chennimalai Village, Erode District.

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W.P.No.19386/2018:

For Petitioners : Mr.N. Manokaran
For RR 1 & 2 : Mr.R.P. Murugan Raja
Government Advocate
For RR 3 to 8 : Mr.V.P. Sengottuvel
For RR 9 to 12 & 14 : Mr.D. Selvaraj

W.P.No.23020/2018:

For Petitioners : Mr.R. Prabakar
For Mr.C.E. Pratap
For RR 1 & 2 : Mr.R.P. Murugan Raja
Government Advocate
For RR 3 to 7 : Mr.V.P. Sengottuvel
For RR 9, 12 & 14 : Mr.D. Selvaraj

COMMON ORDER

Since the issue that arises in both the writ petitions is one and the same, they are disposed of by this common order.



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These writ petitions have been filed challenging the impugned order in Na.Ka.No.1460/2016/A2, dated 15.05.2018 passed by the second respondent/Revenue Divisional Officer, to quash the same and for consequential direction to the respondents 1 and 2 to recognize the rights of the petitioners (C Parties) along with A, B and D Parties and (D Parties) along with A, B and C Parties in and over the subject property measuring an extent of 00111 sq.meter, comprised in Natham R.S.No.787/8 of Chennimalai Village, Erode District, respectively.

2. The case of the petitioners is that the property measuring an extent of 00111 sq.meter, comprised in Natham R.S.No.787/8, Chennimalai Village, Erode District is a Kal Mandapam with building constructed therein. During the function, Utchavar of Arulmighu Subramaniswamy Thirukovil, Chennimalai, is being brought for performance of Kattalai in the subject matter Kalmandapam. The aforesaid property is owned by three sub-sections of Kongu Vellalar Gounders and Vettuva Gounders conjointly as "Elumathur Nattu Gounders". Subsequently, the same was classified as "Elumathur Nattu Goundergal Podhu Idam" in the village records. Afterwards, they had



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performed Kattalai during Thai Poosam as well as Panguni Uthirai Thiruvizha. During the year 2004, the respondents 3 to 14 (A and B parties) have made some secret arrangements with the Officers of Arul Mighu.Subramaniaswamy Temple and managed to print the invitations in the name of two sections, namely, Panang Kadan and Sellankulam (A and B parties). However, without noticing the intention behind their action, the remaining two groups have participated and performed Kattalai for all these years. During Thai Poosam festival in the year 2016, the respondents 3 to 14 (A and B parties) started quarrelling against each other and it was reported to the first respondent, who in turn, forwarded the grievance day petition to the second respondent for enquiry. After completion of enquiry, the second respondent passed an order dated 08.08.2016, by directing the tenants in occupation of the subject property to pay the rents to the Village Administrative Officer, Chennimalai, till the dispute is resolved finally. Furthermore, the Tahsildar, Perundurai was directed to maintain the accounts and also to submit report every month. Incidentally, the second respondent found that the Patta produced by the respondents 3 to 14 is not a genuine one. Thereafter, the petitioners came to know about the *inter se* dispute between the respondents 3 to 14 (A and



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B parties) from the order passed by the second respondent, who sealed the subject matter Kal Mandapam. While so, the petitioners and few others from Kari Kulam sub sections have submitted their objections dated 11.01.2017 before the second respondent. The respondents 3 to 8, who are representing Panang Kadan section, have been treated as "A" parties. The respondents 9 to 14 who are representing Sellankulam section, have been treated as "B" parties and the petitioners have been treated as "C" parties. Vettuva Gounders have been treated as "D" parties. The rivals (A and B parties) have joined together and submitted a petition dated 23.01.2018 to the second respondent to entrust the administration of the subject matter property to their own person by name K.Muthukrishnan. While that being the case, in order to extend his helping hands to the respondents 3 to 14 (A and B parties), the second respondent has issued a formal notice dated 24.01.2018 for the appearance of all the parties on 29.01.2018 itself. Accordingly, the petitioners had appeared before the second respondent and submitted their detailed objections dated 29.01.2018. Similarly, the respondents 3 to 14 (A and B parties) have also submitted their joint request by reiterating the contents of the petition dated 23.01.2018. On 29.01.2018, as per the pre-arranged plan, without



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any enquiry, obtained the signatures of petitioners and permitted to file objections if any, within two days. However, the respondents 3 to 14 (A and B parties) have jointly submitted their statements in writing on 31.01.2018 and the petitioners have also submitted their statements in writing on 01.02.2018. After completion of enquiry, the second respondent/Revenue Divisional Officer passed the impugned order dated 15.05.2018. Aggrieved by the said order, the present writ petitions have been filed by the petitioners.

3. The learned counsel appearing for the petitioners submitted that admittedly, the officials of the Revenue Department have no power to decide the right over the title of the subject property. In view of the above, this Court may recognize the rights and safeguard the interest of the petitioners (D Parties) along with A, B and C parties in and over the above subject matter property measuring an extent of 00111 sq.meter comprised in Natham R.S.No.787/8, North Car Street, Chennimalai Village, Erode District, to worship and participate during the festival time. However, this Court may confirm the impugned order and the management of the C, A and B parties till the disposal of the suit filed by the petitioners.



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4. The learned counsel appearing for the respondents submitted that A and B parties have fairly accepted that the petitioners are entitled to worship and perform pooja along with A, B and C parties in the above subject property and participate during the festival time. However, the private respondents are entitled to manage and maintain the said property.

5. In view of the above submissions made by the learned counsel on either side, without rendering any opinion on the merits of the case, this Court is inclined to grant liberty to the petitioners (C and D parties) to file appropriate suit before the competent civil Court with regard to the management of the subject property. However, the petitioners (C and D Parties) are entitled to participate during the festival time and they have right to worship the God during the festival time. However, the petitioners are not entitled to manage and maintain the property till the disposal of the suit to be filed by the petitioners.



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6. Accordingly, both the writ petitions are disposed of. No costs.

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Consequently, connected Miscellaneous Petitions are closed.

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Speaking Order/ Non Speaking Order

Index: Yes/ No

To

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2. The Revenue Divisional Officer
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M.DHANDAPANI, J.

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