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W.P.No.22324 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.11.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

**W.P.No.22324 of 2021
and W.M.P.Nos.23557 & 23558 of 2021**

R.Sudhakar

...Petitioner

Versus

1.The District Collector,
Ranipet District.

2.District Revenue Officer,
Ranipet District.

3.The Sub Collector,
Ranipet.

4.The Tahsildar,
Sholinghur.

5.Assistant Commissioner/Executive Officer,
Arulmighu Lakshmi Narasimha Swamy Thirukoil,
Sholinghur.

6.The Block Development Officer,
Sholinghur,
Ranipet.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records pertaining to the order passed by the first respondent herein in his proceedings in Mu.Mu.T2/3338/2019 dated 02.09.2021 and quash the same



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and consequently, directing the respondents to restore the patta in the name of the petitioner.

For Petitioner : Mr.T.N.Rajagopalan
For Respondents – 1 to 4 & 6 : Mr.J.Ravindran,
Additional Advocate General
Assisted by
Mr.U.Bharanidharan,
Additional Government Pleader
For Respondent – 5 : Mr.A.K.Sriram
for M/s.A.S.Kailasam & Associates

ORDER

The relief sought in this writ petition is to call for the records pertaining to the order dated 02.09.2021 passed by the first respondent in Mu.Mu.T2/3338/2019 and quash the same and to restore the patta in the name of the petitioner.

2. The case of the petitioner is that he is the owner of the property in Punja Survey No.214/2A1B measuring to an extent of 30 cents, situated at Kondapalayam Walajah Division, Vellore District. He purchased the said property from one Mrs.Sundari by way of Sale Deed dated 22.07.2013 which was registered as Document No.2872 of 2013 on the file of Sub Registrar Office, Sholinghur.

2.1. When the petitioner purchased the said property, the patta of the



property was in the joint name of one Mrs.Poongvanammal. After the petitioner purchased the said property, he has been in possession and enjoyment of the same as an absolute owner. The Encumbrance Certificate from 01.01.1910 upto date does not show any sale deed in favour of the fifth respondent temple.

2.2. While so, the second respondent issued a Notice dated 24.10.2019 in the name of Mrs.Poongavanammal, stating that a petition has been received from the fifth respondent stating that Survey No.214/A/2A1A1 measuring to an extent of 497.17 Acres stands in the name of Sri Anjaneya Swamy and Yoga Narasimhar Swamy Temples in the 'A' Register and that the patta issued in the name of individuals should be cancelled and restored in the name of temple and therefore, the individuals are called upon to produce the relevant documents on 01.11.2019 at 11.00 a.m. Thereafter, the second respondent vide notice 18.09.2020 once again called upon the individuals to appear for enquiry on 06.10.2020 at 11.00 a.m. Then, the fourth respondent vide Notice dated 28.07.2021 called upon the individuals to appear for enquiry on 06.08.2021. All of a sudden, the first respondent vide order in Mu.Mu.T2/3338/2019 dated 02.09.2021



cancelled the patta as well as sale deeds standing in the name of individuals.

Aggrieved over the order passed by the first respondent, petitioner has filed the present writ petition before this Court.

3. The learned counsel for the petitioner submitted that the petitioner purchased the aforesaid property from predecessor in title. Patta of the said property was issued in the name of petitioner's predecessor and the Revenue Records were also mutated in favour of petitioner's predecessor, even prior to the implementation of UDR Scheme.

3.1. After a lapse of four decades, the respondents have initiated proceedings at the instance of fifth respondent temple under the guise of rectifying the error committed under UDR Scheme. It is to be noted that after the year 2015, the property in S.No.214/A/2A1A1 was subdivided. He further submitted that without even providing sufficient opportunity to the petitioner, the first respondent has mechanically passed the impugned order on the ground that in the year 1916, the entire extent of 497.17 Acres comprised in S.No.214A/2 belonged to fifth respondent temple.

3.2. The learned counsel also submitted that after a lapse of four



decades, the Patta granted in favour of the petitioner's predecessor cannot be cancelled. Though the first respondent has power to decide the mutation of Revenue Records, he cancelled the sale deed executed by the petitioner's predecessor in favour petitioner which is unsustainable. The cancellation of sale deeds by the first respondent is beyond jurisdiction. Therefore, the learned counsel prayed that this writ petition may be allowed and the impugned order passed by the first respondent may be quashed.

4. The learned Additional Government Pleader appearing for the respondents 1 to 4 & 6 submitted that originally, the subject property belongs to fifth respondent temple and only on the basis of subdivisions in the subject property, patta was wrongly issued in favour of petitioner's predecessor. As per G.O.Ms.No.385 dated 14.08.2004, the first respondent has the power to rectify the error committed under UDR Scheme and in exercise of such power, he passed the impugned order. He also submitted that the dispute between the petitioner and the fifth respondent temple is purely a civil dispute and therefore, the same has to be decided by the competent Civil Court.



5. Heard the learned counsel on either side and perused the materials placed before this Court.

6. From a careful perusal of the records, it is seen that the first respondent vide impugned order dated 02.09.2021 has cancelled the ryotwari pattas issued by the Special Staff under UDR Scheme and subsequent document registrations and Patta transfers carried out in respect of four sub divisions viz., (i) S.No.214A/2A3 (ii) 214A/2A1B (iii) 214A/2B1 & (iv) 214A/2C situated at Kondapalaym Village, Sholinghur Block. Challenging the same, the petitioner is before this Court.

7. The issue involved in the present case is that there is a civil dispute between the petitioner and the fifth respondent regarding the title over the subject property. Such civil dispute has to be decided by the competent Civil Court.

8. In the aforesaid circumstances, rendering any opinion on the merits of the case will adversely affect the interest of petitioner as well as fifth respondent. Hence, this Court directs the petitioner to file a suit before the



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competent Civil Court, for establishment of his title over the subject property. On such suit being filed, the competent Civil Court shall decide the suit, without being influenced by any of the order passed by the respondents herein, as expeditiously as possible.

9. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No

Speaking Order (or) Non-Speaking Order



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M.DHANDAPANI, J.

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