



W.P.No.26607 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.26607 of 2022 and
W.M.P.Nos.25659 and 25660 of 2022

J.Babu

... Petitioner

vs.

1. The District Revenue Officer,
Collectorate Campus, Huzur Road,
Coimbatore – 641 018.

2. The Revenue Divisional Officer,
Coimbatore South,
Coimbatore.

3. The Tahsildar,
Madukarai Taluk,
Coimbatore District.

4. Rangappa Konar

5. Stephenson

6. Kamaleshwaran

7. George Kumarasamy

8. Abraham

... Respondents



W.P.No.26607 of 2022

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the entire records in Ni.Mu.13779/2019/E1, on the file of the first respondent and quash the order dated 12.02.2020 as well as directing the respondents to restore the name of the TELC Church in the records maintained by the respondent.

For Petitioner : Ms.S.Pooja Shree

For R1 to R3 : Mr.U.Baranidharan
Additional Government Pleader

For R6 : Mr.R.Esakki Raja

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to quash the order of the first respondent dated 12.02.2020 and consequently to direct the respondents to restore the name of the TELC Church in the records maintained by the respondent.

2. Learned Additional Government Pleader appearing for respondents 1 to 3 takes notice for the official respondents. Since no adverse order is being passed against the respondents 4 to 8, notice to respondents 4 to 8 is dispensed with.



W.P.No.26607 of 2022

3. According to the petitioner, the property in S.F.No.581, of an extent of 4.36 Acres situated in Kurichi Village, Madukkarai, Coimbatore belongs to M/s.Tamil Evangelical Lutheran Church (TELC Church), which was amalgamated with the Church of Sweden Mission Council and the properties of Church of Sweden Mission Council ad-measuring more than 1000 acres of land situated in various districts of Tamil Nadu were jointly assigned and conveyed in the name of TELC Church. When that being so, the fourth and fifth respondents claims right over the subject property purported to have given to them under the Will dated 09.10.1970, executed by one Bishop Paul, President of Sweden Mission Council. Seeking to remove the name of TELC Church in the Patta, the fourth and fifth respondents submitted an application before the second respondent and the same was allowed on 17.10.2018. Aggrieved over the same, the TELC Church preferred an appeal before the first respondent, which was dismissed vide order dated 10.01.2019 on the ground of limitation. As against which, the TELC Church filed a Writ Petition before this Court in W.P.No.5016 of 2019 and the same was allowed vide order dated 20.3.2019, pursuant to which the impugned order dated 12.02.2020 was passed by the first



W.P.No.26607 of 2022

respondent stating that the subject property belongs to one M/s.Kremmer Sandegran Foundation. Challenging the proceedings dated 12.02.2020 of the first respondent, the present Writ Petition has been filed.

4. Learned counsel appearing for the petitioner submitted that though the Revenue authorities do not have jurisdiction to decide the title dispute between the parties in respect of the immovable property, the first respondent had passed the impugned order which is *per se* illegal. Hence, she submitted that the impugned order passed by the first respondent, is liable to be quashed.

5. Learned Additional Government Pleader appearing for the respondents 1 to 3 and learned counsel appearing for the sixth respondent submitted that against the impugned order dated 12.02.2020, the eighth respondent filed a Writ Petition in W.P.No.6028 of 2020 and this Court vide order dated 24.03.2022 dismissed the same, on the ground that suits filed by the sixth and eighth respondents in respect of the subject property are pending before the Civil Courts. Accordingly, they prayed for dismissal of



W.P.No.26607 of 2022

this Writ Petition also.

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

7. Admittedly, eighth respondent filed Writ Petition in W.P.No.6028 of 2020 questioning the very same order impugned herein and this Court dismissed the Writ Petition holding as follows:

“6. Considering the limited request made by the petitioner, this Court without going into the merits of the claim projected by the petitioner in the petitioner and without interfering with the impugned order, permits the petitioner to canvass all the points before the competent Civil Court in the pending Suits or before the Lower Appellate Court and the Trial Court without being influenced by any earlier order including the present impugned order herein, shall decide the matter independently.”

8. This Court in the said order without interfering with the order



W.P.No.26607 of 2022

under challenge, expressed its opinion that, the issue involved in the present case pertains to disputed questions of facts and is purely a civil dispute between the petitioner and the private respondents and the same cannot be entertained under Article 226 of the Constitution of India. However, liberty was granted to the petitioner to canvass all his grievances before the jurisdictional Civil Court where the suit is pending. In view of the order of the Co-ordinate Bench and in the given facts and circumstances of the case and in view of the stand taken by the learned Additional Government Pleader appearing for the respondents 1 to 3 and learned counsel appearing for the sixth respondent, there is no merit in the Writ Petition and the same is liable to be dismissed.

9. Accordingly this Writ Petition is dismissed. No costs
Consequently, connected miscellaneous petitions are closed.

10.10.2022

RAP

Index : Yes/No

Speaking order : Yes/No

To:

6/8



W.P.No.26607 of 2022

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M.DHANDAPANI, J.

RAP



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W.P.No.26607 of 2022

W.P.No.26607 of 2022

10.10.2022