



C.R.P(PD)No.1022 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

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and

CMP.No.4943 of 2017

- 1.Palayamkottai Anaithu Kovilkal Vazhipaduvor
Matrum Kovil Membattu Nala Sangam,
Rep. By its President Mr.Thirugnanam,
Keezh Pathi Village, Palayamkottai,
Kattumannarkoil Taluk.
- 2.Palayamkottai Anaithu Kovilkal Vazhipaduvor
Matrum Kovil Membattu Nala Sangam,
Rep. By its Secretary Kesava Ramanujam,
S/o.Balasubramanian,
Mel Pathi, Palayamkottai,
Kattumannarkoil Taluk.
- 3.Palayamkottai Anaithu Kovilkal Vazhipaduvor
Matrum Kovil Membattu Nala Sangam,
Rep. By its Treasurer (Removed), Sivakumar,
S/o.Chandrakasu, Vadakkupalayam Main Road,
Kattumannar Kovil Taluk.
- 4.Kuberamurthy
- 5.Rajadurai
- Ruthirakumaran(deceased)
- 6.Paramasivam
- 7.Kandeeban

..Petitioners



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Vs.

1.Syed Eesa

2.Shajahan

3.Abdul Gani

4.The Tahsildhar,
Kattumannarkoil Taluk Office,
Kattumannarkoil.

5.The District Collector,
Cuddalore District,
Cuddalore.

6.The Superintendent of Police,
Cuddalore District.

7.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Chidambaram.

8.The Village Administrative Officer,
Palayamkottai Melpathi Village,
Kattumannarkoil Taluk.

9.The Director of School Education,
School Education Department,
Chennai.

10.The District Chief Educational Officer,
O/o.the District Chief Educational Officer,
Cuddalore District.



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11.The District Educational Officer,
District Educational Office,
Virudhachalam.

..Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order passed by the District Munsiff-cum-Judicial Magistrate, Kattumannarkoil dismissing the application in I.A.No.498 of 2015 in O.S.No.175 of 2009, dated 14.12.2016.

For Petitioners : Mr.G.Karthikeyan

For Respondents : Dr.S.Suriya,

Additional Government Pleader

R1 to R3 – No Appearance

ORDER

The plaintiffs in O.S.No.175 of 2009, which is pending on the file of the District Munsif-cum-Judicial Magistrate, Kattumannarkoil are the revision petitioners herein.

2.The suit in O.S.No.175 of 2009 had been filed by the plaintiffs / Palayamkottai Anaithu Kovilkal Vazhipaduvour Matrum Kovil Membattu Nala Sangam represented by its Office bearers including President, Secretary and other Office bearers against, the defendants therein, who also included



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the 4th defendant Tahsildhar, Kattumannarkoil Taluk Office and the 5th defendant, the District Collector, Cuddalore District, claiming that a Siva Temple located at Palayamkottai was originally constructed about 400 years ago and subsequently was ravaged during the Mughal invasion and British aggression. It was alleged that the Idols were removed and the temple structure was also demolished. It was stated that on the date of the institution of the suit, the Temple Gopuram alone stood and is known as Mottai Gopuram.

3.It is under these circumstances, seeking to reclaim the property, that the suit was filed.

4.It is stated that in that particular place, which is said to be the land of the Temple, a school is now presently functioning. This necessitated filing an application under Order 1 Rule 10 of C.P.C in I.A.No.498 of 2015 seeking to implead as further defendants, the Revenue Divisional Officer, the Village Administrative Officer, the Director of School Education, Chennai, the District Chief Educational Officer, Cuddalore and the District Educational



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Officer, Virudhachalam as further defendants. The said application was dismissed, necessitating filing of the present Civil Revision Petition.

5.Let me be a little cautious while examining the issues particularly, because the suit is still to be tried and evidence will have to be let in by both the parties. However, the revenue records are required primarily to establish the nature of the land. These revenue records are in the custody of the Tahsildhar who is already a party as the 4th defenant in the suit.

6.An obligation is placed on the said Tahsildhar, Kattumannarkoil to produce necessary revenue records as called for by the plaintiff. The plaintiff is also at liberty to draw adverse inference under Section 114(g) of the Indian Evidence Act, if documents summoned and available are not produced that the documents are not produced since they will speak adverse to the case of the defendants. Such inference can also be drawn by the learned District Munsif.



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7.Necessary parties are already available on record and if required,

any one of the School Educational Authorities may be summoned as a witness to speak about when the school was established and how the school came to be established in the said lands.

8.With the above observations, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed. Let the parties go back to the Trial Court to lead evidence on the issues raised in mannaer known to law.

23.02.2022

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Index:Yes/No

Internet:Yes/No

Speaking/Non-speaking order



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The District Munsif-cum-Judicial Magistrate,
Kattumannarkoil.



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C.V.KARTHIKEYAN, J.

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