



W.P.No.26423 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.10.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26423 of 2022
and
W.M.P.No.25503 of 2022

N. Logu@Loganathan

.. Petitioner

Vs.

1. The Revenue Divisional Officer, (South)
Revenue Divisional Officer,
Coimbatore 18.
2. Tahsildar, Sulur Taluk,
Coimbatore District.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Dr.Balasundaram Road, Coimbatore 641 018.

4.Subramaniam

..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India,
for issuance of Writ of Certiorarified Mandamus to call for the records in
connection with the order of the first respondent in



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Na.Ka.No.401/2021/B2 dated 29.08.2022 and quash the same and consequently direct the second respondent to include the name of the legal heirs of Mr.Natchimuthu in the patta No.343 as Dharmakarthas of Sri Ramasamy Koil, Kolathupalaiyam Village, Kittampalayam Revenue Village, Sulur Taluk, Coimbatore District and pass orders.

For Petitioner : Mr. G. Sankaran

For Respondents 1 and 2 : Mr.U. Baranidharan

For Respondent 3 : Mr.N.R.R.Arun Natarajan

Special Government Pleader (HR and CE)

For Respondent 4 : No Appearance

ORDER

By consent of both the parties this writ petition is taken up for disposal at the admission stage itself.

2. This writ petition is filed for issuance of for the records relating to the impugned order passed by the first Respondent by way of proceedings in 401/2021/B2 dated 29.08.2022 and direct the second respondent to include the name of the legal heirs of Mr.Natchimuthu in the patta No.343 as Dharmakarthas of Sri Ramasamy Koil, Kolathupalaiyam



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Village, Kittampalayam Revenue Village, Sulur Taluk, Coimbatore District.

3. Since no adverse order is passed against 4th respondent notice to 4th respondent dispensed with.

4..Brief facts relating to the case is as follows:

4.1.The facts of the case is that the petitioner's father/Natchimuthu was the Dharmakatha of Ramasamy Temple situated at Kulathupalayam Village, Sulur Taluk, Coimbatore District. The claim of the petitioner is that the petitioner has right over the subject property by way of a gift deed executed by the brother of the said Natchimuthu. In the said gift deed executed to the said Natchimuthu half portion of the property situated at kittapalaiyam Village, Palladam Taluk Annur comprised in Survey No. 147/1 to an extent of 1 acre 28 cents and survey No.147/2 to an extent of 1 acre 20 cents was conveyed to the petitioner's father. In the said deed it was stated that the said Natchimuthu has to use the earnings of the temple for performing poojas.



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4.2 After the demise of the said Natchimuthu the petitioner, his mother and his two brothers who were his legal heirs sent a representation to the second respondent to include their names in the patta, who inturn forwarded the same to the first respondent. However the first respondent has passed the impugned order. Hence this petition.

5. The learned counsel for the petitioner submits that the concerned Village Administrative Officer has sent a report to the first respondent to include the names of the legal heirs of Natchimuthu but the same was not considered by the first respondent. He further submits that as per Section 10 of the Tamil nadu Patta Pass Book Act, the Tahsildar is the original authority and any order passed by him has to be taken on appeal under Section 12 of the said act before the Revenue Divisional Officer and thereafter a revision may be filed under section 13 of the said act before the District Revenue Officer. Hence the impugned order passed by the first respondent is without jurisdiction. Hence he prays for appropriate orders.



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6. The learned Government Pleader submits that the petitioner has no right over the subject property. Hence the impugned order passed by the first respondent does not require no interference. Hence prays for dismissal of the writ petition.

7. Heard the counsel appearing on either side and perused the materials available on record.

8. On a perusal of the impugned order it reveals the fact that the gift deed referred by the petitioner reveals the fact that the said Natchimuthu has given right only to perform poojas in the temple and he has no right over the subject property. Furthermore the impugned order has been passed to measure the subject property and verify all the documents relating to it and further to prevent the encroachments in the subject property. It was further stated in the impugned order that the Inspector, HR & Ce Department as the in-charge of the above said property.

9. In view of the above a portion of the above order mentioning



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Inspector, HR & Ce Department as the in-charge of the above said property is hereby set aside and all the other observations made in the impugned order remains intact. However the petitioner is at liberty to file a revision before the District Revenue Officer within a period of six weeks from the date of receipt of a copy of this order. If the petitioner files a revision the authorities concerned shall dispose the same within a period of 6 weeks from the date of filing of revision.

10. With the above observations this writ petition is disposed of.

No order as to costs. Consequently the connected miscellaneous petition is closed.

10.10.2022

smn

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1. The Revenue Divisional Officer, (South)
Revenue Divisional Officer, Coimbatore 18.



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2. Tahsildar, Sulur Taluk, Coimbatore District.

3. The Assistant Commissioner,

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M.DHANDAPANI,J.

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and
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