



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2022

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.27250 of 2018

and

W.M.P.Nos.31685, 31702 & 31705 of 2018

1. R.Sivarama Reddy
2. R.Vimala
3. S.Devi Prasanna
4. M.Vijaya
5. P.Bharathy

...Petitioners

Versus

1. The Government of Puducherry,
Rep. By the Office of the Deputy Collector,
(Revenue) South,
Villianoor.
2. The Tahsildar,
Taluk Office, Villianoor.
3. The Commissioner,
Hindu Religious Institutions,
No.149, Aurobinds Street,
Puducherry-1

..Respondents

PRAYER : Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating of the first respondent herein memorandum No.4499/DCRS/LG/DT 2011 dated 16.12.2011 and quash the same and consequently, direct the second respondent herein to permit registration of documents in respect of survey No.194/7 of No.33, Kurumbapet Revenue Village, Pondicherry.

For Petitioners : Mrs.A.L.Gandhimathi

For Respondents : Mr.J.Kumaran R1 to R3
Additional Government Pleader
Mr.P.Suresh R4



O R D E R

The writ petition has been filed to quash the order passed by the first respondent vide memorandum No.4499/DCRS/LG/DT 2011 dated 16.12.2011 and direct the second respondent herein to permit registration of documents in respect of survey No.194/7 No.194/7 of No.33, Kurumbapet Revenue Village, Pondicherry.

2. The case of the petitioners is as follows:

Initially, the property of an extent of 87,700 sq. ft equal to 0.75.0 hectares in R.S.No.194/7 Cadastre 179 part of Nu.33 Kuruvampatti Revenue Village, Kuruvappanaickenpalayam originally belonged to Ganapathy @ Ramanuja Reddiar. After the death of on Ganapathy, the property was enjoyed by his two sons viz., Rangaraj and Ramakrishnan, father of the first petitioner herein. The above said Ramakrishnan, the first petitioners father, Ramathilagam wife of Rangaraj, Vimala, daughter of Rangaraj and Sekaran, Son of Rangaraj executed a settlement deed dated 29.08.2006 in favour of the petitioner vide document No.4368 of 2008 before the SRO, Villianoor and the patta was also duly granted in his favour in respect of th above said property. While the matter stood thus, one Premavathy, daughter of Balaraman sent a petition to the revenue authorities in the State of Pondicherry as if the property did not belonged to the petitioners and their predecessors in title and that the said property belongs to Arulmigu Vedapureeswarar Sri Varadaraja Perumal Temple. On the basis of the said statement, the Tahsildar, on 09.12.2011, referred the matter to the Director of Settlement. Due to the report of the Tahsildar, the first respondent issued memo dated 16.12.2011 to the SRO, Villianoor directing him to temporarily hold the registration process in R.S.No.194/7 until further orders.

3.That being the case, after receipt of the impugned proceedings, the petitioners had submitted a detailed representation to the Tahsildar, Villianoor on 11.06.2014 to find out the property in RS.No.194/7 and also stating that the said property does not belonged to the temple. Thereafter, the second respondent served notice to the parties and also the Executive Officer of the above said temple. After enquiry, the first respondent vide his proceedings dated 16.12.2011, was directed the Sub Registrar, Villianoor to temporarily hold the registration process in respect of RS.No.194/7. Challenging the same, the present writ petition has been filed seeking the above said prayer.

4. The learned counsel for the petitioners submitted that there is no dispute with regard to the subject property and there was a settlement deed in favour of the first petitioner's father in the year 2008. Pursuant to which, the revenue records



mutated in favour of the petitioner. While so, the temple authorities claimed that the property owned by them. For which, the Tahsildar, villiyanur, who is the second respondent herein, already passed an order dated 19.08.2004 in this regard and also sent a report to the District Collector stating that there is no record to show that the property in question belonged to the temple. The learned counsel further submitted that respondents 1 & 2 ought to have considered that mere inclusion of survey No.194/78 in the schedule of properties in the lease deed executed by the temple in favour of the petitioner's father, will not estop the first petitioner's father or the petitioners herein to claim and establish their title over the property. On account of the impugned order, the petitioners are unable to make any transaction with regard to the property and the same caused irreparable cause to them. Hence, the learned counsel prays quash the impugned order and allow the writ petition.

5. The learned Additional Government Pleader appearing for the respondents submitted that this Court has to uphold the impugned order for a period of six months. In the meantime, the competent authority may file appeal as against the transfer of patta in the name of the petitioners and approach the competent civil forum as against the settlement deed. If the HR & CE Department or any other respective authorities have not taken any steps to file appeal/suit within a period of six month from the date of receipt of a copy of this order, this Court may issue a directions to the Registration Department to entertain the document, which was presented by the petitioner's father.

6. Heard the learned counsel for the petitioners as well as the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned counsel for the 4th respondent. On behalf of the respondents, counter affidavit has been filed.

7. The facts of the case are not in dispute. Admittedly, the subject property belongs to the petitioners' ancestor and through them, they acquired the property. At present the said land is registered in favour of the petitioners. During the year 2011, when the petitioners attempted to sell the land in RS.No.194/7, one Chitra has filed objection before the SRO stating that she also has right over the property and hence, sought for en quiry. Based on the complaint, the Tahsildar conducted enquiry. During the enquiry, the said Chitra has not produced any records of her claim. Later the temple authorities of Sree Varadaraja Perumal Devasthanam also filed a petition claiming that the above said land is a temple property. However, the temple authorities have also not produced any records in favour of them.



8. During the enquiry, the Village Administrative Officer has reported that the land at R.S.No.194/7 of Kurumbapet Revenue Village is under the possession and enjoyment of the petitioner and his family members and at present, they are cultivating casurina trees. As per the report of the Thasildar, the first respondent passed the impugned order and directed the registration authorities to hold the registration process temporarily in R.S.No.194/7 of 33.

9. When there is a civil dispute between the parties, the revenue officials have no right to interfere with the disputed property. The parties have to approach the competent civil court to solve the issues. In the present case, the temple authorities have claimed the right over the property and they have not produced any supporting documents in favour of them.

8. Considering the facts and circumstances of the case, this Court without going into the merits of the case, passes the following order:

(i) the impugned order passed by the first respondent is valid only upto the period of six months from the date of receipt of a copy of this order; and

(ii) If the temple authorities or the competent authorities are not obtained any order in favour of the temple before the respective forum within a period of six months, the second respondent is directed to entertain the document, which was presented by the petitioner's father, and proceed with further in accordance with law.

9. With the above observations, the writ petition is disposed of. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Collector,
The Government of Puducherry,
(Revenue) South,
Villianoor.



2. The Tahsildar,
Taluk Office,
Villianoor.

3. The Commissioner,
Hindu Religious Institutions,
No.149, Aurobinds Street,
Puducherry-1.

+1cc to M/s.A.L.Ganthimathi, Advocate, S.R.No.8710

+1cc to the Government Pleader, (Puducherry) S.R.No.8520

W.P.No.27250 of 2018
and
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RR(CO)
RGA(05/04/2022)