



W.P(MD)No.8184 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.8184 of 2013

and

M.P(MD)Nos.2 & 3 of 2013

1.Poongodhai

2.Manimaran

... Petitioners

Vs.

1.The Revenue Divisional Officer,
Musiri Division,
Trichy.

2.The Tahsildar,
Thuraiyur Taluk,
Trichy District.

3.A.Subbiah Pillai

4.A.Subramanian

... Respondents

(R4 is impleaded vide Court order, dated
08.09.2022 in M.P(MD)No.4 of 2013)



W.P(MD)No.8184 of 2013

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records comprised in Moo.Mu.3370/2012(A1) dated 09.04.2013 of the first respondent and the consequent cancellation of ryotwari patta no. 2601 of the petitioners and quash the same as being contrary the provisions of the Tamil Nadu Patta Pass Book Act, 1983 and in violation of the principles of natural justice and rule of law.

For Petitioners : Mr.Raguvaran Gopalan

For R1 & R2 : Mr.A.Sivanu Pandian
Government Advocate

For R3 : No Appearance

For R4 : Mr.N.Mohan

ORDER

The present writ petition has been filed challenging an order passed by the first respondent herein, under which the patta standing in the name of the writ petitioners was cancelled and it was restored in the name of Karuppanna Swami Temple, which was prevailing in the year 1927.



W.P(MD)No.8184 of 2013

WEB COPY

2. According to the learned counsel for the petitioners, one Karuppa Gounder was the owner of Survey No.154/4 having an extent of 6 acres 40 cents. This property was inherited by one Subbiah. The said Subbiah has sold the property in favour of one Poongodhai. Poongodhai had settled a portion of the property in favour of her husband Manimaran. Thereafter, according to the petitioners, patta was issued in their favour in Patta No.2601 for Survey Nos.154/4 and 154/8.

3. This patta was challenged by the fourth respondent herein before the first respondent on the ground that the entire land belongs to one Karuppanna Swami Temple and hence, patta ought not to have been granted in favour of the writ petitioners.

4. The first respondent herein after conducting an enquiry, arrived at a finding that during settlement proceedings, Survey No.154/1 having an extent of 5.40 acres was standing in the name of one Karuppanna Gounder, son of Ekambara Gounder. Survey No.154/9 was classified as Tharisu and Survey No.154/10 was classified as car track and Survey



W.P(MD)No.8184 of 2013

No.154/11 having an extent of 0.37 cents alone was classified in the name of Karuppanna Swami Temple.

5. After arriving such a finding, the first respondent herein had raised a doubt whether the original pattadhar is Karuppa Gounder or Karuppanna Gounder or Karuppanna Pandaram. Based upon the said doubt and certain law and order issue that were raised in view of the involvement of a temple, he has passed the present impugned order, directing the Tahsildar to restore the patta in the name of Karuppanna Swami, which was prevailing in the year 1927, under which 6.70 acres in Survey No.154/4 was standing in the name of one Karuppanna Swami.

6. According to the learned counsel for the petitioners, during Inam Abolition Act, Survey No.154/4 having an extent of 5.40 acres was standing in the name of one Karuppanna Gounder. The first respondent herein, who is the revenue authority cannot have any jurisdiction, whatsoever to disturb the order passed during the settlement proceedings under the Inam Abolition Act. He further relied upon a judgment of this Court reported in **2012 (3)CTC 823 (T.R.Dinakaran Vs. The Revenue**



W.P(MD)No.8184 of 2013

Divisional Officer and others) to impress upon the Court that the revenue authorities will have jurisdiction to entertain an application for transfer of patta only in case of inheritance or transfer and in case of rival claims, the revenue authorities should have directed the parties to approach the competent Civil Court. Hence, the order impugned in the writ petition is without jurisdiction.

7. Per contra, the learned counsel appearing for the respondents had contended that even during the settlement proceedings, error has happened in recording 5.40 acres in Survey No.154/4 in the name of Karuppanna Gounder. The entire property, namely 6.70 acres in Survey No.154 belongs to the idol of Karuppanna Swami. The learned counsel for the private respondent also brought to the notice of the Court that he has filed O.S.No.110 of 2014 impleading the writ petitioners as defendants 2 and 3 therein on the file of District Munsif Court, Thuraiyur for the relief of declaration of title and cost. Since already Civil Court has taken cognizance of the matter, the order impugned in the writ petition may not be disturbed. Otherwise, the writ petitioners may take advantage of setting aside of the order.



W.P(MD)No.8184 of 2013

8. I have carefully considered the submissions made on either side and perused the typedset of papers and the judgment produced on the side of the writ petitioners.

9. A narration of the above said facts will clearly indicate that there is a serious title dispute with regard to an extent of 5.40 acres in Survey No.154/4. According to the petitioners, the property originally belonged to one Karuppa Gounder @ Karuppanna Gounder. On the other hand, the private respondent claims that it belongs to Karuppanna Swami idol. This title dispute has to be resolved only by the competent Civil Court in O.S.No.110 of 2014. Till such time, the order impugned in the writ petition shall not be implemented by the revenue authorities. The Status Quo shall prevail. The Civil Court is directed to dispose of the suit without being influenced by the orders passed by the revenue authorities or by this Court in this writ petition. The said suit is pending from the year 2014 onwards. Hence, the learned District Munsif, Thuraiyur is directed to dispose of the suit on or before 31.03.2023 and report the same to the registry.



W.P(MD)No.8184 of 2013

10. With the above said observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

18.10.2022

Index : Yes / No
Internet : Yes / No

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To

- 1.The Revenue Divisional Officer,
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- 3.The District Munsif Court,
Thuraiyur,
Trichy.



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W.P(MD)No.8184 of 2013

R.VIJAYAKUMAR ,J.

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Order made in
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