



W.P(MD)No.9601 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.09.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.9601 of 2013

and

M.P(MD)No.1 of 2013

The Parish Priest,
Our Lady of Ransom Church,
Thailapuram-626 617,
Tuticorin District.

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Tiruchendur,
Tuticorin District.

2.The Tahsildar,
Sathankulam,
Tuticorin District.

3.U.Anthony Selvam
4.U.Joseph Iruthayaraj
5.U.Masilamani Ganadurai
6.A.Mary Amala

... Respondents

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 relating to the order, dated 02.04.2013 in Na.Ka.No.



W.P(MD)No.9601 of 2013

A3/2237/2012 on the file of the first respondent and quash the same and pass such further or other orders as this Court.

For Petitioner : M/s.M.P.Senthil

For R-1 & R-2 : M/s.B.Saravanan
Additional Government Pleader

For R-3 to R-6 : Mr.S.Anwar Sameem
for Mr.T.Antony Arulraj

ORDER

The present Writ Petition has been filed challenging an order passed by the first respondent herein, under which, the first respondent has restored the separate patta in the name of the ancestor in title of respondents 3 to 6.

2. According to the learned Counsel for the petitioner, the property in dispute belongs to the petitioner Church. One Mr.Udayasingh, who is the ancestor in title of respondents 3 to 6, had managed to obtain patta for some extent of the said property. Coming to know of this, the petitioner Church has approached the Tahsildar for grant of patta. The Tahsildar by his order, dated 24.11.2010, had passed an order, under



W.P(MD)No.9601 of 2013

which he included the name of the writ petitioner also for the disputed survey numbers.

3. Aggrieved by the order of the Tahsildar, the sixth respondent herein has sent various representations to the authorities including Chief Minister's Special Cell. Based upon the said representations, the first respondent has conducted an enquiry and thereafter, has passed an order restoring the patta in the name of Udayasingh. Aggrieved over the same, the present writ petition has been filed.

4. According to the learned Counsel for the petitioner, the sixth respondent is the daughter-in-law of the said Udayasingh. The sixth respondent's husband is the third respondent herein. Hence, the sixth respondent will not have any right title or interest over the disputed survey numbers. Without any locus, the sixth respondent has lodged a complaint and based upon which, the present impugned order has been passed by the first respondent herein. That apart, the appeal has been entertained by the first respondent, after the expiry of the period of limitation. Hence, he prayed for allowing the writ petition.



W.P(MD)No.9601 of 2013

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5. Per contra, the learned Counsel appearing for the private respondents had contended that joint patta was issued including the name of the writ petitioner, without any notice to the private respondents. Hence, a complaint was lodged before the first respondent herein. He further contended that the original status has now been restored by granting patta in favour of the Udayasingh. The joint patta has now been cancelled. Since there is a serious title dispute, the parties may be relegated to the civil Court. The learned Counsel for the private respondents also brought to the notice of the Court that a civil suit in O.S.No.46 of 2020 has been filed on the file of the District Munsif Court, Sathankulam, by the petitioner Church, as against the private respondents herein for the relief of declaration of certain documents said to have been executed by Udayasingh in favour of the private respondents herein and the sale deed executed by the private respondents in favour of third parties are null and void. In the said suit, the petitioner herein has claimed that they are the absolute owners of the disputed survey numbers. In view of the pendency of the civil suit, the matter cannot be remitted back to the revenue authorities. The parties are directed to



W.P(MD)No.9601 of 2013

ventilate their grievances before the civil Court in O.S.No.46 of 2020.

The said suit shall be disposed of by the District Munsif Court, Sathankulam, without being influenced by the patta granted by the first respondent herein or by anyone of the observations made by the revenue authorities.

6. With the above said observations, the writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

22.09.2022

Index : Yes / No

Internet : Yes / No

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To

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W.P(MD)No.9601 of 2013

R.VIJAYAKUMAR, J.

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Order made in
W.P(MD)No.9601 of 2013

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