



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.7836 of 2022

and

W.M.P.[MD]No.5892 of 2022

WEB COPY

Arulmigu Jayakonda Choleeswarar
Soundranayagi Amman Temple,
Represented by its Trustee,
PL.Viswanathan Chettiar,
S/o. Palaniappa Chettiar,
Nemam Village, Kundrakudi Post,
Sivagangai District.

... Petitioner

Vs.

1.The Assistant Director of Surveys,
Survey Department, Collectorate,
Sivagngai.

2.The Tahsildar,
Thiruppattur Taluk,
Sivagangai District.

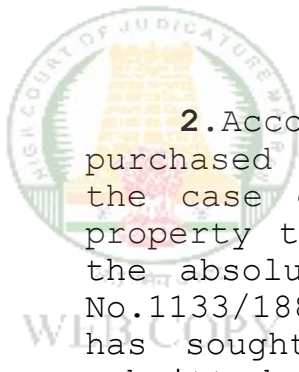
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the first respondent in Na.Ka.B1/4757/2021 dated 08.12.2021 and quash the same and remit-back to the same first respondent to getting the Correlation Certificate from his subordinates in order to safeguard the Nemam Arulmigu Jayakonda Choleeswarar Soundranayagi Amman Temple land in view of the guidelines issued by the Hon'ble Apex Court in (2007) 7 SCC 482.

For Petitioner	: Mr.RM.Arun Swaminathan
For Respondents	: Mr.B.Saravanan
	Additional Government Pleader

O R D E R

This Writ Petition has been filed challenging the order dated 08.12.2021 passed by the first respondent rejecting the petitioner's application seeking for a correlation certificate for the property purchased under a sale deed bearing Document No.1133 of 1889, dated 11.06.1889, before the Sub-Registrar, Thirupattur.



2. According to the petitioner temple, the property was purchased in the name of 12 persons on behalf of the temple. It is the case of the petitioner that ever since the purchase of the property the temple is in possession and enjoyment of the same as the absolute owner. Since under the sale deed bearing Document No.1133/1889, survey number has not been mentioned, the petitioner has sought for a correlation certificate under his application submitted before the first respondent. Under the impugned order, the same has been rejected on the ground that in the office of the first respondent, the details of the property for which correlation certificate is sought for is not available, as it pertains to the year 1889.

3. The grievance of the petitioner in this writ petition is that the first respondent ought to have forwarded the petitioner's application to the second respondent which has not been done. According to him, arbitrarily, the first respondent without forwarding the petitioner's application to the second respondent has rejected the petitioner's application. According to the petitioner temple, the procedure for issuance of correlation certificate has not been followed by the first respondent.

4. Heard Mr. RM. Arun Swaminathan, learned Counsel appearing for the writ petitioner and Mr. B. Saravanan, learned Additional Government Pleader who accepts notice on behalf of the respondents.

5. The only ground for rejection of the petitioner's application seeking for correlation certificate is that the details of property which is the subject matter of the sale deed bearing Document No.1133/1889 are not available with the first respondent. According to the petitioner, the subject property for which correlation certificate was sought for by them belongs to the temple absolutely and it is a large extent of land. The contention of the petitioner is that under the sale deed bearing Document No.1133/1889, survey number is not mentioned and only under those circumstances, the correlation certificate has been sought for by them.

6. Temple properties will have to be protected. As seen from the affidavit filed in support of this writ petition, no litigations are pending pertaining to the subject property which is claimed to be owned by the petitioner temple. The petitioner claims that the temple is in possession of the property ever since the purchase in the year 1889. While that be so, in order to ascertain as to whether the petitioner is entitled for correlation certificate or not, the first respondent ought to have forwarded the petitioner's application to the second respondent who is the revenue authority. The first respondent is the authority heading the survey division and with regard to the issuance of patta and other revenue documents, the second respondent is the competent authority.



7.For the foregoing reasons, since the first respondent has not forwarded the petitioner's application to the second respondent and has not followed the procedure contemplated under law, this Court remands the matter back to the first respondent who shall forward the petitioner's application dated 15.11.2021, seeking for correlation certificate for the property which is the subject matter of the sale deed bearing Document No.1133 of 1889 to the second respondent within a period of one [1] week from the date of receipt of a copy of this order. On receipt of the same, the second respondent shall pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner's authorised representative and any other necessary party whom the second respondent deems fit to enquire within a period of four [4] months, thereafter.

8.With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Admin I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

To

1.The Assistant Director of Surveys,
Survey Department, Collectorate,
Sivagngai.

2.The Tahsildar,
Thiruppattur Taluk,
Sivagangai District.

+1 CC to M/s.SPL GP. (SR-21286[F] dated 26/04/2022)

W.P. [MD]No.7836 of 2022

25.04.2022

MGJ(23.05.2022) 3P 4C