



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.3454 of 2017

and

W.M.P (MD)Nos.2807 & 2808 of 2017

R.Maharajan

... Petitioner

Vs

1.The District Revenue Officer,
District Collectorate,
Madurai District,
Madurai.

2.The Special Deputy Collector,
(Land Acquisition),
Appellant Authority,
Madurai.

3.The Tahsildar,
Taluk Office,
Usilampatti,
Madurai District.

4.P.Nalluchamy @ Nallamayan

5.P.Kottaichamy

6.The Executive Officer,
A/M.Subramaniya Swamy Temple,
Thirupparankundram,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order made in Na.Ka.No.30462/2013 dated .03.2016 passed by the first respondent and quash the same.

For Petitioner: Mr.P.R.Prithivi Raj
For Mr.D.Sadiq Raja

For Respondents: Mr.M.Prakash
Additional Government Pleader for R.1 to R.3
Mr.K.K.Samy for R.4 & R.5
Mr.S.Manohar for R.6



ORDER

Heard the learned counsel on either side.

2. The property in question is comprised in Survey No.411/10 in Nakkalapatti Village, Usilampatti Taluk, Madurai District. The petitioner claims to have purchased the same from the predecessors in-title. He applied to the third respondent for issuance of patta. The respondents 4 and 5 claimed to be cultivating tenants in respect of the said land. They applied to the third respondent for entering their names in the record of tendency. Both the petitions pertain to one and the same property. They were clubbed together and a common order was passed. The applications of both the parties stood rejected and they were directed to approach the jurisdictional civil Court.

3. Aggrieved by the same, the petitioner as well as the respondents 4 and 5 moved the Special Deputy Collector Cum Revenue Court, Madurai. The Appellate Authority also confirmed the order passed by the Original Authority. Challenging the same, further appeal was moved before District Revenue Officer, Madurai. The District Revenue Officer, Madurai, noted that the sixth respondent Temple is also having a claim on the property and that therefore, no order can be passed behind the back of the sixth respondent. He came to a further conclusion that the petitions filed by the petitioner on the one hand and the one filed by the respondents 4 and 5 on the other could be dealt with separately and that a composite order could not have been passed. In this view of the matter, the orders impugned before him were set aside and the matter was remanded to the file of the third respondent. In my view, this order does not call for any interference. The reasons given by the first respondent are well founded. It is seen that before UDR, the land in question was shown as Vilva Archanai Devadhayam. *Prima facie*, it appears to be an endowed land. Therefore, the sixth respondent is very much necessary and proper party to the proceedings. I do not find any ground to interfere.

4. Leaving open the rights of all the parties, the writ petition is dismissed. Consequently, connected miscellaneous petitions are quashed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1.The District Revenue Officer,
District Collectorate,
Madurai District,
Madurai.

2.The Special Deputy Collector,
(Land Acquisition),
Appellant Authority,
Madurai.

3.The Tahsildar,
Taluk Office,
Usilampatti,
Madurai District.

+1 CC to M/s.K.K. SAMY, Advocate (SR-26335[F] dated 17/06/2022)

+1 CC to M/s.D.SADIQ RAJA, Advocate (SR-26593[F] dated 17/06/2022)

+1 CC to M/s.SPL.GP (SR-26849[F] dated 20/06/2022)

ORDER MADE IN
W.P. (MD)No.3454 of 2017
16.06.2022

PKP/05.07.2022/3P/7C