



WEB COPY

WP No.35168 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-06-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.35168 of 2015

And

MP No.1 of 2015

- 1.P.Saminathan
- 2.Rajalakshmi
- 3.Sivalakshmi @ Sivakami
- 4.S.Sarawathi

... Petitioners

Vs.

- 1.The District Revenue Officer,
Collectorate Buildings,
Tiruppur.
- 2.The Additional District Executive Magistrate,
-cum-Revenue Divisional Officer,
Taluk Office,
Palladam.
- 3.Chellammal @ Challathal
- 4.N.Gururajan
- 5.Jayatheertha
- 6.Ganga Srinivasan



7.Usha Raghunathan

8.Sasikala

9.Chitrakanna

10.Sathya Srinivasan

11.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tiruppur.

[R-11 suo motu impleaded vide
order of Court dated 07.06.2023
made in WP 35168 of 2015]

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the first respondent made in proceedings in Na.Ka.No.14195/2014/j1 dated 29.12.2014 and the order passed by the second respondent made in proceedings in Na.Ka.No.4283/2012/A5 dated 08.12.2013 and quash the same.

For Petitioners : Mr.N.Umapathi

For Respondents-1 and 2: Mr.T.Arunkumar,
Additional Government Pleader.

For Respondent-3 : Died steps due.

For Respondents-4,5, 7
and 10 : No Appearance



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For Respondents-6,8 and
9 : Not Ready in Notice

For Respondent-11 : Mr.K.Karthikeyan,
Government Advocate (HR&CE).

ORDER

The order impugned passed by the first respondent in proceedings dated 29.12.2014 cancelling the patta granted in favour of the petitioner originally is under challenge in the present writ petition.

2. The petitioners state that they are absolute owner of the subject mentioned property and patta was granted in their name. While-so, an appeal was filed before the District Revenue Officer to cancel the patta by the respondents 3 to 7. The District Revenue Officer conducted an enquiry and cancelled the patta. Challenging the said order, the petitioners have chosen to file the present writ petition.

3. The learned counsel for the petitioners states that the patta was granted in their favour long back and they are the absolute owner of the



property. Cancellation of patta was made merely based on the entry made in the 'A' Register, which is untenable. Thus the order impugned is to be set aside.

4. The learned Additional Government Pleader, appearing on behalf of the respondents 1 and 2 made a submission that as per the revenue records, the subject property belongs to the Religious Institution and the District Revenue Officer verified the revenue records and consequently cancelled the patta granted in favour of the writ petitioners.

5. Pertinently, the Religious Institution has not been impleaded as a party either before the District Revenue Officer or before this Court in the present writ petition.

6. This Court suo motu impleaded the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Tiruppur as the Respondent No.11 and Mr.K.Karthikeyan, learned Government Advocate (HR&CE) takes notice.



7. The learned counsel for the petitioners contended that civil suits in OS Nos.66, 67 and 68 of 2013 have been instituted on the file of the District Munsif Court, Palladam and all the civil suits are pending for adjudication. However, in none of the suits, the Religious Institution has been impleaded as a party and therefore, the Religious Institution had no opportunity to place their case.

8. The learned counsel for the petitioners states that the suits were instituted in the year 2013 and the impugned order has been passed in the year 2014. Even in such circumstances, the petitioners would have taken steps to implead the Religious Institution, since there is a specific finding in the 'A' Register that the subject property belongs to the Religious Institution.

9. In this regard, the learned Government Advocate, appearing on behalf of the Hindu Religious and Charitable Endowments Department (HR&CE), made a submission that appropriate steps will be taken to verify the records and initiate action for impleading and to defend the case on behalf of the Religious Institution.



10. Regarding the title, the petitioners have already instituted the civil suits, therefore, they are at liberty to pursue the suits instituted and only after reaching finality in the civil suits, the parties are at liberty to submit an application for grant of patta under the provisions of the Patta Pass Book Act.

11. In view of the submissions made by the learned Government Advocate, appearing on behalf of the Hindu Religious and Charitable Endowments Department (HR&CE), the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Tiruppur, is directed to initiate appropriate action both by filing an application before the Civil Court in the pending suits and also under the provisions of the Hindu Religious and Charitable Endowments Act.

12. It is needless to state that the issues raised between the parties are to be adjudicated on merits.

13. With the above observations, the writ petition stands



dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

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The Registry is directed to communicate the copy of this order to the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Tiruppur.

07-06-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

- 1.The District Revenue Officer,
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Tiruppur.
- 2.The Additional District Executive Magistrate,
-cum-Revenue Divisional Officer,
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- 3.The Joint Commissioner,
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S.M.SUBRAMANIAM, J.

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