



WEB COPY

W.P. 25472 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. 25472 of 2023

and

W.M.P. Nos.24867 to 24869 and 24871 of 2023

V.Velmurugan

... Petitioner

Vs.

1. Union Territory of Puducherry
Rep. by its Chief Secretary
Government of Puducherry
Secretariat
Goubert Avenue, Puducherry- 605 001
2. Inspector General of Registration-cum
Revenue Secretary
Department of Revenue & Disaster Management
Chief Secretariat
Puducherry 605 001
3. The District Registrar
Office of District Registrar
Department of Registration
Kamraj Salai
Sakthi Nagar
Saram, Puducherry



4. The Sub-Registrar
Office of Sub-Registrar
Oulgaret
Town & Country Planning Building
Ground Floor, Jawahar Nagar
Boomianpet, Puducherry
5. Adecalamarie
6. Sugantha Nancy
- 7.J.Victoria Rina
8. Mrs.Justine
9. Rathinavelu
10. Mohansundari
- 11.M/s.Sabari Educational Society
Rep. by V.Manoharan
No.34, 9th Cross Street,
Brindavan, Puducherry
12. Mr.A.John Kumar
13. Mr.Vivilian Richards John Kumar
14. P.Aroquia Das
15. Sri Kamatchi Amman Devasthanam
Rep. by its Secretary
No.60, Bharathi Street,
Puducherry



16.The Superintendent of Police,
Pondicherry
(R16 Suo Motu impleaded vide order dated
28.08.2023 made in WP No.25472/2023 by SMSJ)

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records of the impugned Registration of the documents of the respondents 5 to 8, 10, 11 & 14 herein in Document Nos.17564/2021 dated 13.08.2021, 23074/2021 dated 24.09.2021, 23075/2021 dated 24.09.2021, 23076/2021 dated 24.09.2021, 23078/2021 dated 24.09.2021, 3127/2010 dated 07.09.2010 and 3145/2011 dated 29.07.2021, on the file of the 4th respondent herein and quash the same followed removed of said entries in the encumbrance certificate and consequently direct the 2nd respondent herein to restore Patta of the properties in R.S.No.292/4 Cadaster No.156 Paimash No.285 to an extent of 00.31.60 Ha and R.S.No.291/5 Cadaster No.186 Paimash No.308 to an extent of 00.29.20 Ha of Saram Revenue Village, Oulgaret Taluk, Puducherry, in the name of Kamatchi Amman Temple i.e. 15th respondent herein.

For Petitioner : Mr.D.Ravichander

For Respondents : Mrs.V.Usha
Additional Government Pleader
(Pondicherry) for R1 to R4 and R16
Mr.S.Xavier Felix for R5 to R8 and
R12 and R13
Mr.B.Saravanakumar for R9 and R10
Mr.B.Balavijayan for R14
Mr.G.Karthikeyan, Senior Counsel
for Mrs.A.Jagadeeswari for R15
R11-Not ready in notice



ORDER

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The Writ Petition is filed by a devotee of the Sri Kamatchi Amman Devasthanam for a writ of Certiorarified Mandamus challenging the impugned Registration of the documents of the respondents 5 to 8, 10, 11 & 14 herein in Document Nos.17564/2021 dated 13.08.2021, 23074/2021 dated 24.09.2021, 23075/2021 dated 24.09.2021, 23076/2021 dated 24.09.2021, 23078/2021 dated 24.09.2021, 3127/2010 dated 07.09.2010 and 3145/2011 dated 29.07.2021, on the file of the 4th respondent herein and quash the same, followed by removal of said entries in the encumbrance certificate and consequently direct the 2nd respondent herein to restore Patta of the properties in R.S.No.292/4 Cadaster No.156 Paimash No.285 to an extent of 00.31.60 Ha and R.S.No.291/5 Cadaster No.186 Paimash No.308 to an extent of 00.29.20 Ha of Saram Revenue Village, Oulgaret Taluk, Puducherry, in the name of Kamatchi Amman Temple i.e. 15th respondent herein.

2. In an earlier occasion, when the matter came up before this Court, certain interim order was passed and one of the directions was that the property has to be handed over to the Temple as prima facie it appears to be



the property belonging to the Temple and also gave a direction to the authority to initiate criminal proceedings. Challenging the same, the private respondents, filed appeal before this Court before the 1st Bench and while disposing the writ appeal, it was observed by this Court that the appellants therein had already approached the civil Court, since title is involved. The First Bench disposed of the writ appeal with liberty to work out their remedy before the Civil Court.

3. The learned counsel for the private respondents stated that civil suit was filed and since the documents are old documents and they are in French, they require translation from French to English. Therefore, the process is under way.

4. The petitioner is only a devotee of the Temple and he has portrayed the fraud committed by the officials with the connivance of some of the politicians who are the members of the Assembly of the Pondy. Further, the respondents who are the subsequent purchasers and whose name as on date is in the sale deeds, they already approached the Civil Court and since it is the matter in which the civil suit is involved, the civil Court has to go into the aspect of title while deciding the civil suit. The relevant paragraphs passed in



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the writ appeal are extracted as follows;

3. Be that as it may, one of the contentions of learned counsel for the appellants is that the Revenue Authorities or this Court could not decide the issue of title. It is only for the Civil Court to decide the same. The present appellants have also filed a suit before the Principal District Court at Puducherry. It is for the appellants to prosecute the civil suit before the competent Civil Court, as may be permissible under law. The Civil Court certainly has to go into the aspect of title while deciding the Civil Suit.

4. As the writ petition is still pending and the learned Government Pleader (Puducherry) has made a submission that today morning, possession of the subject property has been taken and has been handed over to the temple, we direct that till the disposal of the writ petition, the nature of the property may not be changed and till the writ petition is decided, the writ property shall not be subjected to further alienation and transfer.



5. However, so far, the suit has not been taken on file. The private respondents/appellants are directed to present the suit within a week from the date of receipt of the copy of this order and the trial Court is directed to take the suit on file if it is otherwise in order and issue summons to all the rival claimants /defendants and dispose of the suit within a period of six months, since already all the counsels for the parties in this writ petition have stated that the physical possession of the properties are handed over to the Temple and now the properties are with the Temple.

6. Therefore, the writ petition is disposed of, directing the parties to approach the civil Court. There shall be no order as to costs.

06.11.2023

(1/2)

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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P.VELMURUGAN. J.

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