



W.A.No.2851 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.2851 of 2023

1. Adecalarie
2. Sugantha Nancy
3. J.Victoria Rina
4. Justine
5. A.John Kumar
6. Vivilian Richard John Kumar .. Appellants

Vs.

1. V.Velmurugan
2. Union Territory of Puducherry
Rep. by its Chief Secretary
Secretariat, Goubert Avenue
Puducherry – 605 001.
3. Inspector General of Registration
cum Revenue Secretary
Department of Revenue and Disaster Management
Chief Secretariat, Puducherry – 605 001.
4. The District Registrar
O/o. District Registrar
Department of Registration
Kamaraj Salai, Sakthi Nagar
Saram, Puducherry – 605 013.

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5. The Sub Registrar
O/o. Sub Registrar
Oulgaret, Town & Country Planning Building
Ground Floor, Jawahar Nagar
Boomianpet, Puducherry.
6. Rathinavelu
7. Mohansundari
8. M/s.Sabari Educational Society
Rep. by Manoharan
No.34, 9th Cross Street
Brindavan, Puducherry.
9. P.Aroquia Das
10. Sri Kamatchi Amman Devasthanam
Rep. by its Secretary, No.60, Bharathi Street
Puducherry.
11. Superintendent of Police
CBCID (SIT)
Puducherry.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order in W.P.No.25472 of 2023 dated 22.09.2023.

For the Appellants : Mr.S.Xavier Felix

For the Respondents : Mr.S.Ravee Kumar
Government Pleader (Puducherry)
for R2 to R5 & R11

Mr.G.Karthikeyan
Senior Counsel
for M/s.A.Jagadeeswari & Vinodhini
for R10



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JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Heard Mr.S.Xavier Felix, learned counsel for the appellants, Mr.S.Ravee Kumar, learned Government Pleader (Puducherry) for respondents 2 to 5 and 11 and Mr.G.Karthikeyan, learned Senior Counsel for M/s.A.Jagadeeswari & Vinodhini for respondent 10.

2. The appeal, it appears that, is filed against the interim order. The writ petition is still pending with the learned Single Judge. Naturally, the writ petition will have to be disposed of. The appellants herein also have the right to file an appeal against the final order in the writ petition.

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

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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. Accordingly, the writ appeal stands disposed of. There will be no order as to costs. Consequently, C.M.P.No.23713 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

13.10.2023

Index : Yes/No

Neutral Citation : Yes/No

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