



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)Nos.17134 of 2020 & 28377 of 2023

and

WMP(MD)No.22413 of 2022

in WP(MD)No.17134 of 2020 :

A.Ramachandran

... Petitioner

v.

1.The District Collector,
Pudhukkottai.

2.The Revenue Divisional Officer,
Pudhukkottai.

3.The Tahsildar,
Thirumayam Taluk,,
Pudhukkottai District.

Mr.Singaravelu (died)

4.Subramanian S/o.Singaravelu
(4th respondent was substituted vide
order dated 03.02.2023 in WMP(MD)No.1855 of 2023)

... 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 in Ni.Mu.A4/2987/2020 dated 16.10.2020 on the file of the respondent No.2 and quash the same as illegal.



in WP(MD)No.28377 of 2022 :

M.V.P.Subramanian Ambalakaran

... Petitioner

v.

- 1.The Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai – 600 005.
- 2.The Director of Survey and Settlement,
Survey House, Ezhilagam, Chepauk, Chennai – 600 005.
- 3.The District Collector,
Pudukottai District.
- 4.The District Revenue Officer,
Pudukottai District.
- 5.The Revenue Divisional Officer,
Pudukottai District.
- 6.The Tahsildar, Thirumayam Taluk,
Pudukottai District.
- 7.Alagappan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 6th respondent to grant patta over an extent of 0.24.5 ares of land comprising in S.No.234/14 in the name of Arulmigu Sri Adaikalamkathan Ayyanar, Urumar Koil (family deity of 5th karai of Maravars) in the village of Virachilai I Bit, Thirumayam Taluk, Pudukottai District by removing the word Anadheenam in the revenue records on the basis of the representation submitted by the petitioner herein dated 05.12.2022 and in the light of the Circular of the Director of Survey and Land Record, Chennai in Roc.No.36934/2019 dated 31.03.2022.



In WP(MD)No.17134 of 2020 : -

For Petitioner : Mr.S.Rajasekhar
For Respondents : Mr.G.Suriyanath,
Additional Government Pleader for R1 to R3
Mr.H.Lakshmi Shankar for R4

In WP(MD)No.28377 of 2022 : -

For Petitioner : Mr.M.Rajarajan
For Respondents : Mr.G.Suriyanath,
Additional Government Pleader for R1 to R6
Mr.S.Rajasekar for R7

COMMON ORDER

The case on hand pertains to a piece of land measuring 0.24.5 ares of land in S.No.234/14 in Virachilai Village, Thirumayam Taluk, Pudukkottai District. It appears that an assignment was made in favour of one Alagappan/R7 in WP(MD)No.28377 of 2022 on 07.10.1993. The stand of the petitioner in WP(MD)No.28377 of 2022 is that the said property forms contiguous part of the land owned by Arulmighu Sri Adaikalamkathan Ayyanar Temple. Alagappan had settled what was assigned in his favour in favour of his son Ramachandran. Singaravelu, the contesting respondent in WP(MD)No.17134 of 2020 filed a petition before the RDO for cancelling the assignment made in



favour of Alagappan. Enquiry was conducted by the Revenue Divisional Officer, Pudhukottai Division and he passed an order dated 16.10.2020 not only cancelling the assignment but also re-classifying the land as Anadheenam. He also issued a direction to the jurisdictional authority for removing the fence put up by them. Aggrieved by the order of the RDO, Ramachandran, the petitioner in WP(MD)No.17134 of 2020 filed an appeal before the jurisdictional DRO in 2021. The temple authorities for reasons not quite clear have not challenged the order dated 16.10.2020 passed by the RDO, Pudhukottai, but instead filed a petition before the District Collector on 05.12.2022. The temple also wants patta to be issued in their favour. Relief is sought against the jurisdictional Tahsildar.

2. When the RDO, Pudhukottai had also passed an order reclassifying the lands as Anadheenam, it will not open to the Tahsildar, Thirumayam Taluk to issue any patta in favour of temple. Such a relief can only be granted by the higher authorities. Likewise, Ramachandran could not have filed any petition before the DRO. My attention is drawn to RSO No.15(15). It states that in matters relating to assignment, the order passed by the RDO can be questioned before the District Collector from whose decision an appeal will lie to the Commissioner of Land Administration. The petitioner in WP(MD)No.28377 of



2022 is permitted to file an appropriate appeal questioning the order passed by the RDO insofar as it runs against the interest of the temple. Likewise, Ramachandran is also permitted to file an appropriate appeal before the District Collector questioning the said order. Ramachandran as well as the petitioner in WP(MD)No.28377 of 2022 states that they would file such an appeal before the District Collector within two weeks from the date of receipt of copy of this order. The District Collector will hear both the parties in person and after going through the entire records shall pass an order on merits and in accordance with law within a period of three months from the date of receipt of copy of this order. Till the District Collector, Pudhukottai passes the final order, the position that obtains as on date will continue. It is made clear that I have not gone into the merits of the matter. All the contentions of both the parties are left open.

3. These writ petitions are disposed of. No costs. Connected miscellaneous petition is closed.

03.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.

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