



WEB COPY



WP(MD)No.1316 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 18.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP(MD)No.1316 of 2014

and

MP(MD)No.2 of 2014

Fr.Devasahayam
Parish Priest,
St.Joseph's Church,
Verkottu,
Rameshwaram - 623 526.

... Petitioner

[petitioner substituted vide
Court order dated 27.03.2023
in WMP(MD)No.5764 of 2023]

Vs

- 1.The District Revenue Officer,
Ramanathapuram District.
- 2.The Revenue Divisional Officer,
Ramanathapuram District.
- 3.The Tahsildar,
Rameshwaram,
Ramanathapuram District.
- 4.The Assistant Settlement Officer,
Ramanathapuram District.
- 5.Julious Doss

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for a writ of certiorarified mandamus calling for the records relating to the impugned order of the 2nd respondent dated 26.06.2012 and as confirmed by the impugned order of the 1st respondent in Pa.Mu.No. 43109/2012(B6) dated 21.11.2013, quash the same and consequently direct the respondents 1 to 3 herein to restore patta No.73(old Patta No.131) for S.No.378/2A in the name of Parish Priest, Thangachiyar Madam of Athikadu Roman Kovil, Patta No.734 for S.No.829/5 in the name of the Parish Priest of Thangachiyar Madam of Paralogamatha Kovil, Kallaraivadi and Patta No.54 for S.No.921/2 in the name of the Parish Priest, Thangachiyar Madam of Anthoniarkovil within a reasonable time as may be specified by this Court.

For Petitioner : Mr.H.Thayumanavaswamy
For Respondent : Mr.J.K.Jayaseelan,
Nos.1 to 4 Government Advocate
For Respondent : Mr.H.Velava Dhas
No.5

ORDER

This writ petition is filed as against the orders of the Revenue Divisional Officer, Ramanathapuram District dated 26.06.2012 and the orders of the Revisional Authority / the District Revenue Officer, Ramanathapuram District.



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2.The petitioner claims to be a Parish Priest of the St.Joseph Church filed this writ petition that the property in S.Nos.378/2 and 921/2 were given by the Ramanathapuram Samasthanam in favour of the church in the year 1908 and the Parish Priest of the church was maintaining the property. The 5th respondent claiming to be the guardian of the property made a request before the second respondent/ Revenue Divisional Officer to record his name as guardian of the property in the revenue records. The RDO has passed an order recording the name of the 5th respondent. As against which, the Parish Priest of the church approached the District Revenue Officer by way of revision and it was dismissed. As against the same, this writ petition is filed.

3.The learned Counsel for the petitioner submits that though the District Revenue Officer held that the property is the church property, he has confirmed the orders of the Revenue Divisional Officer and therefore, the writ petition has been filed.



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4.The petitioner and the 5th respondent claim to be the guardian of the property, which was donated by the Ramanathapuram Samasthanam in favour of the petitioner church. The petitioner being the Parish Priest of church claims that he is the guardian of the property of the church and the 5th respondent claims that he is the village head and he is having right over the property. Therefore he approached the Revenue Divisional Officer, who has cancelled the patta stood in the name of the petitioner. Challenging the same, the petitioner filed a revision petition before the District Revenue Officer, Ramanathapuram, who has confirmed the order of the Revenue Divisional Officer.

5.If there is any dispute with regard to the title of the property, the revenue authorities are not competent to take a decision on the title of the parties as per Rule 4(4) of the Tamil Nadu Patta Pass Book Rules, 1987. In all fairness the revenue authorities should have referred the parties to the civil Court. Therefore, this writ petition is disposed of with liberty to the parties to work out their remedy before the civil Court and in the mean time



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the impugned order shall be kept in abeyance.

No costs. Consequently connected miscellaneous petition is closed.

18.04.2023

Internet : Yes / No

dsk

To

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