



WP(MD)No.11895 of 2015

56BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 05.12.2023

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CORAM:

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

**WP (MD) No.11895 of 2015 and
WP (MD) No.1 of 2015**

Raja (died)

The Executive Officer,
Arulmigu Balasubramaniya Swamy Thirukoil,
Pugalimalai Velayuthampalayam,
Karur District.

[Transposed as the writ
petitioner as per the order
dated 27.09.2023 made in
WP(MD)No.11895 of 2016]

... Petitioner

Vs

1.The District Revenue Officer,
Karur District,
Karur.

2.The Tahsildar,
Manmangalam Taluk,
Pugalur Village,
Karur District.

3.R.Subramanian

4.Vijayakumar

5.Tamil Selvan

6.Alagesan



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7.Elangovan

8.Ezhil

9.Akila

10.Kumutha

11.Vinitha

12.Vimala

13.Lalitha

14.S.Bharathi

15.Padmavathy

16.Chellammal

17.P.Shanmugapriya

18.P.Soundararajan

19.P.Soundararajan

20.A.M.Murugesan

21.Ramesh

22.Murugaiyan

23.M.Meena

24.Maheswari

25.Mahesh

26.Ananth

27.Tamilselvi



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28.S.Nirmala

29.M.Chandramani

30.C.Geethalakshmi

31.M.Sakunthala

32.M.Suresh

33.P.Thangarasu

34.P.Prabhu

35.S.Radha

36.S.Rajasekaran

37.Rajeswari

38.Latha

39.P.Balakrishnan

40.K.Poovarajan

41.N.Krishnaveni

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records pertaining to the impugned orders passed by the 1st respondent in Na.Ka.No.C3/17675/2014, dated 26.12.2014 and Na.Ka.C3/29953/02, dated 27.11.2002 and quash the same and direct the respondents 1 and 2 to restore the patta for the entire S.No.379 Punjai Pugalur North Village, Manmangalam Taluk, Karur



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District measuring 4.04.5 Hectors in the name of the petitioner temple.

[Prayer amended vide order dated 24.11.2023 in WMP(MD)No. 23761 of 2023]

For Petitioner : Mr.M.Saravanan
For Respondent : Mr.M.Sarangan,
Nos.1 & 2 Additional Govt.Pleader
For Respondent : Mr.C.Mahadevan
Nos.6 and 7
For Respondent : Mr.AN.Ramanathan
Nos.14 to 20,
22, 23, 27, 28,
31 to 41

ORDER

One Raja, S/o.Muniyappan, Velayuthampalayam, Karur District has filed this writ petition in the year 2015 challenging the order of the District Revenue Officer, dated 26.04.2014. Pending this writ petition, the petitioner died. Since the writ petition was filed taking cause of the 3rd respondent temple, this Court by order dated 27.09.2023 transposed the 3rd respondent temple as the writ petitioner. Thereafter, the temple has filed an application to amend the prayer challenging the orders of the DRO dated 27.11.2002 along with the orders dated 26.12.2014.



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2.The DRO has passed an order on 26.12.2014 based on the earlier order of the DRO dated 27.11.2002. In the earlier order dated 27.11.2002, the DRO has passed an order in favour of the respondents predecessors as the owner of the property for the properties in S.Nos.441, 404, 347 and 379. The petitioner temple claims that the lands are the temple lands. However the DRO in the year 2002 has passed an order that the predecessors of the respondents 3 to 41 were in adverse possession of those properties and they are entitled for patta.

3.The original writ petitioner Raja has approached the DRO in the year 2014 seeking patta that he was doing service in the temple and this request of Raja was rejected by the DRO by referring the earlier order dated 27.11.2002. Therefore the order dated 26.12.2014 was challenged by Raja in this writ petition. Subsequently based on the orders of this Court in the amendment application, the prayer was also amended.



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4.This Court considered the rival submissions and perused the materials placed on record.

5.Pursuant to the impugned orders though the DRO has taken a stand that the private respondent's vendor was in adverse possession, the question of adverse possession cannot be decided by the DRO. If the respondents are having a ground for adverse possession, they have to work out their remedy only before the competent civil Court. Considering the nature of issue, this Court sets aside the impugned orders dated 27.11.2002 and 26.12.2014. The matter is remitted back to the DRO, Karur for fresh consideration. The DRO Karur shall provide an opportunity of hearing to the petitioner and the respondents 3 to 1 and the interested party, if any and thereafter shall take a decision within a period of eight months from the date of receipt of a copy of this order. No costs. Consequently connected miscellaneous petition is closed.

05.12.2023

Internet : Yes / No



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- 2.The Tahsildar,
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