



W.P.No.6303 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.6303 of 2018

and

WMP.Nos.7787 & 7788 of 2018

Devendra Kula Sri Veeramathiamman Koil,
Rep. by its President V.Baladhandayutham,
Door No.87/17, K.S.Shanmugapandy Street,
Palakadu Main Road, Kuniamuthoor,
Coimbatore – 641 008.

...Petitioner

Vs.

1. The Revenue Divisional Officer,
Coimbatore.
2. Special Officer cum District Revenue Divisional Officer,
(Temple Lands) – Coimbatore.
3. The Commissioner of Land Administration,
Land Administration Department,
Chepauk, Chennai – 600 005.

4. M.Manian

...Respondents

Petition filed under Article 226 of the Constitution of India to issue
a Writ of Certiorarified Mandamus to call for the records of the 2nd
respondent dated 06.06.2016 in Na.Ka.No.267/2014 and quash the same.



W.P.No.6303 of 2018

For Petitioner : Mr.B.Nedunchezhiyan

For Respondents : Mr.U.Baranidharan, AGP, for R1 & R3
: Mr.NRR.Arun Natarajan, Spl.GP, for R2
: No Appearance, for R4

ORDER

This Writ petition has been filed seeking quashment of the order of the 2nd respondent dated 06.06.2016 in Na.Ka.No.267 of 2014.

2. The case of the petitioner is that, the petitioner temple filed a grievance day petition before the 1st respondent on 27.08.2012 stating that the 4th respondent is trying to encroach the temple property and claiming false patta through bogus documents and attempting to put up a construction in the temple land. Pursuant to the same, the 1st respondent conducted enquiry and cancelled the patta issued in favour of the 4th respondent, aggrieved by which, the 4th respondent preferred an appeal before the District Revenue officer and the same was subsequently transferred to the 2nd respondent, who in turn allowed the appeal and restored the patta in favour of the 4th respondent, vide impugned order dated 06.06.2016.



W.P.No.6303 of 2018

Challenging the same, this Writ Petition has been filed.

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3. Learned counsel for the petitioner submitted that, admittedly the petitioner temple is the owner of the subject property and as the 4th respondent obtained patta in his name by using bogus documents, the petitioner filed petition before the 1st respondent, pursuant to which, the 1st respondent after careful consideration of all the documents placed before it, had cancelled the bogus patta obtained by the 4th respondent. However, without considering any of the above said facts, the 2nd respondent, vide impugned order had mechanically directed the Tahsildar, Coimbatore to restore the patta in respect of the subject property in favour of the 4th respondent, which is not sustainable and the same was passed by the 2nd respondent without any jurisdiction and the same has to necessarily be interfered with. Learned counsel further submitted that, when the claim of the 4th respondent itself pertains to only the house, the 2nd respondent had mechanically considered the entire property belonging to the petitioner temple and held that the entire property belongs to one Veerappan and the 4th respondent and further ordered for restoration of patta in favour of the 4th respondent, which cannot be acceded to. Accordingly, he prayed for appropriate orders.



W.P.No.6303 of 2018

WEB COPY

4. Per contra, learned counsel appearing on behalf of the respective respondents submitted that, the revenue officials, after conducting enquiry issued patta in favour of the 4th respondent and the revenue records in respect of the disputed land does not stand in the name of the petitioner temple and it is an individual land and the present impugned order came to be passed only after affording opportunity to the petitioner, however, the petitioner temple had miserably failed to establish its title over the subject property and therefore, the order of the 2nd respondent cannot be said to be erroneous and the same does not warrants interference of this Court. Further, if at all the petitioner has any document to prove its title over the subject property, the proper remedy available to the petitioner is to approach the competent civil court, instead of which, filing the present Writ petition before this Court is wholly unsustainable. Accordingly, he prayed for dismissal of this Writ petition.

5. Heard learned counsel on either side and perused the material documents placed on record.



W.P.No.6303 of 2018

WEB COPY

6. Though very many contentions have been advanced by the learned counsel on either side at the time of arguments, however, on a perusal of the available materials it is evident that, it is a title dispute between the petitioner temple and the 4th respondent and it is purely a civil dispute and the same cannot be adjudicated under Article 226 of the Constitution of India and it has to be ventilated before the competent Civil court. Further, mere dismissal of the suit filed by the 4th respondent for permanent injunction restraining the petitioner from interfering with his possession over the subject property will not confer any right to the petitioner over the subject property. Hence, this Court is not inclined to interfere with the order impugned in this Writ petition.

7. However, the petitioner is at liberty to approach the competent civil court and workout its remedy in the manner known to law, if it has any documents to establish its title over the subject property. Further, it is made clear that, the impugned order is subject to the result of the suit to be filed by the petitioner.



W.P.No.6303 of 2018

WEB COPY

8. With the aforestated liberty, this Writ petition stands dismissed. No costs. Consequently, connected Miscellaneous petitions are closed.

03.09.2024

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NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No

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WEB COPY



W.P.No.6303 of 2018

M.DHANDAPANI, J.

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W.P.No.6303 of 2018

03.09.2024