



WEB COPY



W.A.No.2255 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01.08.2024**

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

Writ Appeal No.2255 of 2024
and CMP No.15853 of 2024

The Tahsildar
Taluk Office.
Palladam Taluk,
Tiruppur District.

... Appellant

Vs.

K.Easwaramoorthy

.. Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside
the order dated 27.01.2022 made in W.P. No.6597 of 2017.

For Appellant : Mr.A.Selvendran
Special Government Pleader

Respondent : Mr. K.Govi Ganesan



W.A.No.2255 of 2024

JUDGMENT

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

The appellant is aggrieved by the order made in WP No.6597 of 2017 dated 27.01.2022, the prayer in the said Writ Petition reads as follows:

“Writ of a Certiorari Mandamus, to call for the records relating to impugned letter dated 11.01.2017 passed in Na.Ka.No.4257/2016/A-2 on the file of the respondent herein, quash the same and consequently direct the respondent herein to effect mutation in the Revenue Records and grant patta to the petitioner by implementing the judgment and decree dated 28.11.2013 passed in OS.No.14 of 2013 on the file of the District Munsif Court, Palladam.”

2. The Writ Petition came to be filed in the following backdrop:

2.1. The lands were subject matter of Inam Abolition and by an order dated 06.11.1968, the settlement Tahsildar concluded that Hanumantharaya Swami Temple located at Madapur is entitled to patta for the lands in Survey No.31/1 of an extent of about 33.49 acres and an extent of 6.12 acres in Survey No.814/1 and 814/2. As against this order an appeal



W.A.No.2255 of 2024

was filed before the Inam Tribunal in CMA No.473 of 1969, the Inam Tribunal by order dated 15.11.1973 allowed the Appeal and remitted the matter to the Settlement Tahsildar for fresh disposal in the light of the observations made by it.

2.2. Thereafter, a fresh enquiry was held by the Settlement Tahsildar and an order dated 15.05.1974 came to be passed, wherein the Settlement Tahsildar rejected the claim of the Temple and directed the land to be vested in the Government. The Patta that was issued to the Temple was directed to be cancelled. Thereafter, the land continued in possession of the family of the respondent herein. Since there was an attempted dispossession by the Government, the respondent herein filed a suit in OS No.109 of 2009 on the file of the District Munsif, Thirupur, which was later transferred to the District Munsif Court, Palladam, and numbered as OS No.14 of 2013. The said suit was decreed on 28.11.2013 after contest. Based on the decree, the petitioner sought for the reliefs as stated above in the Writ Petition.

3. The Writ Court considering the facts that the decree was not appealed against and it was a comprehensive decree declaring the title of the respondent herein concluded that the respondent is entitled to patta. It is this order which is subject matter of challenge before us in this Appeal.



WEB COPY



W.A.No.2255 of 2024

4. We have heard Mr.A.Selvendran, learned Special Government Pleader appearing for the appellant.

5. Mr.A.Selvendran, learned Special Government Pleader appearing for the appellant would submit that the decree has now been challenged in AS No.668 of 2024 is pending on the file of the Sub Court, Palladam.

6. This claim is stoutly opposed by the learned counsel for the respondent/caveator would submit that the Appeal is yet to be numbered and it has been filed in 2024 along with an application of condonation of delay of almost 11 years.

7. As of today, the judgment and decree of the Civil Court in OS No.14 of 2013 has not been set aside and it is still in force. Therefore, the Authorities are bound to effect mutation as per the declaration granted by the Civil Court. It is always open to them to implement the judgment of the Appellate Court in case they succeed in the Appellate Court.



W.A.No.2255 of 2024

8. With the above observation, the Writ Appeal is **dismissed**, confirming the judgment of the learned Single Judge. The dismissal of the Writ Appeal will not stand in the way of restoration of the Revenue records in the name of the Government in the event the Government succeeds in the regular Appeal that is stated to be pending before the Sub Court, Palladam. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (R.SAKTHIVEL, J.)
01.08.2024

jv

Index: No

Internet: Yes

Speaking order

Neutral Citation: No

To

The Tahsildar

Taluk Office.

Palladam Taluk,

Tiruppur District.



WEB COPY



W.A.No.2255 of 2024

R.SUBRAMANIAN, J.

and

R.SAKTHIVEL, J.

(jv)

Writ Appeal No.2255 of 2024
and CMP No.15853 of 2024

01.08.2024