



WEB COPY



W.P.Nos.98 & 41 of 2015 and 24563 & 26650 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.98 & 41 of 2015 and 24563 & 26650 of 2014

and

M.P.Nos.1, 1, 2 of 2015 & 1 of 2014

W.P.Nos.98 & 41 of 2015

1.M.Duraisamy

2.M.Govindaraj

3.M.Perumalsamy

... Petitioners in W.P.No.98 of 2015

4.C.Eswaran

... Petitioner in W.P.No.41 of 2015

Vs.

1.District Revenue Officer/Special Officer,
(Temple Lands), Hindu Religious Charitable Endowment,
Coimbatore.

2.The Tahsildar,
Kinathukudavu Taluk,
Tirupur District.

3.The Executive Officer,
Arulmigu Thanneer Pandhal Dharmam,
Sirukaalandai through Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Coimbatore.

... Respondents in W.P.Nos.98 &
41 of 2015

W.P.Nos.24563 & 26650 of 2014

1.Mahalingam

... Petitioner in W.P.No.24563 of 2014



W.P.Nos.98 & 41 of 2015 and 24563 & 26650 of 2014

2.M.Mylsamy

3.M.Rathinasamy

4.M.Kanagaraj

... Petitioners in W.P.No.26650 of 2014

Vs.

1.The Special Officer/District Revenue Officer,
(Temple Lands),
Coimbatore,
Coimbatore District – 18.

2.The Tahsildar,
Kinathukudavu,
Coimbatore District.

3.The Executive Officer,
Arulmigu Thanneerpandal Dharmam,
Sirukalanthai,
Coimbatore District.

... Respondents in W.P.Nos.24563 &
26650 of 2014

Prayer in W.P.Nos.98 & 41 of 2015 : Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records in the impugned order dated 10.02.2014 in Rc.No.274 of 2010 on the file of the 1st respondent and quash the same.

Prayer in W.P.Nos.24563 & 26650 of 2014 : Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the entire records relating to the proceedings in Na.Ka.No.274 of 2010 dated 10.02.2014 on the file of the 1st respondent and quash the same.

For Petitioners : Mr.N.S.Nandakumar
(in W.P.Nos.98 &
41 of 2015)



W.P.Nos.98 & 41 of 2015 and 24563 & 26650 of 2014

For Petitioners : Mr.C.Veeraraghavan
(in W.P.Nos.24563
& 26650 of 2014

For Respondents : Mr.L.S.M.Hasan Fizal
(in all WPs) Additional Government Pleader [R1 & R2]
Mr.N.R.R.Arun Natarajan
Special Government Pleader [R3]

COMMON ORDER

Since the issue involved in these writ petitions are one and the same, with the consent of the learned counsel appearing for the parties, these writ petitions were heard together and disposed of by this common order.

2. The case of the petitioners is that, the respective petitioners have purchased the respective subject properties from the respective vendors of the registered owners/owners under respective registered sale deeds. After purchase, patta for the lands were transferred in their favour and they are in continuous possession and enjoyment paying kist. Whiles, all of a sudden, the petitioners were called upon to attend an enquiry and asked to give statement about their title and patta in respect of their property, for which, they have given the statement. Thereafter,



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the 1st respondent passed the impugned order dated 10.02.2014 in Na.Ka.No.274/2010. Challenging the same, the present writ petitions are filed before this court.

3. Learned respective counsel appearing for the petitioners submitted that, as against the impugned order passed by the 1st respondent, there is an effective appeal remedy available before the competent civil court. Hence, he prays that, this Court may grant the above said liberty to the petitioner.

4. On the above contentions, heard the learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned Special Government Pleader appearing for the 3rd respondent and perused the materials available on record.

5. It is discernible from the records that, error had been occurred in the UDR proceedings, which were rectified by the District Revenue Officer (DRO) by way of the impugned order. Challenging the same, the present writ petitions are filed. Originally, the patta was issued in the name of Thanneer pandal Charity represented by its hereditary



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Dharmakarthas, namely Ramasamy Konar and 7 others u/s 8(2)(ii) r/w

Section 11 of the Act by proceedings dated 30.06.1968 and subsequently, during the UDR scheme, patta was transferred in the name of the individuals, which was rectified by the DRO in terms of G.O.(Ms)No.385 (Revenue Department), dated 17.08.2004 and G.O.Ms.No.402 (Revenue Department), dated 27.10.2009 and by way of impugned order, which cannot be said to perverse, illegal or arbitrary.

6. For the reasons aforesaid, this court finds no infirmity in the order impugned and, therefore, these writ petitions fail and the same are dismissed. However, the petitioners are permitted to workout the remedy before the competent civil court in the manner known to law and the period pending before this court may be excluded for the purpose of limitation. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

27.08.2024

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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M.DHANDAPANI, J.

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To

- 1.The District Revenue Officer/Special Officer,
(Temple Lands), Hindu Religious Charitable Endowment,
Coimbatore.
- 2.The Tahsildar,
Kinathukudavu Taluk,
Tirupur District.
- 3.The Executive Officer,
Arulmigu Thanneer Pandhal Dharmam,
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- 4.The Tahsildar,
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