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WP.No.20242 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

WP.No.20242 of 2024
WMP.No.22157 of 2024

K.Varalakshmi

Petitioner

Vs

1. Union of Territory of Puducherry by its Chief Secretary
Government of Puducherry, Puducherry 605001
 2. The District Collector, Puducherry
 3. The Deputy Collector (Revenue) North, Puducherry
 4. The Tahsildar Cum Executive Magistrate, Puducherry
 5. The Commissioner, Hindu religious Institutions, Puducherry
 6. The Station House Officer, Grand Bazaar Police Station, Puducherry
 7. M/s.Sabari Educational Society, represented by V.Manoharan
Puducherry
 8. The Temple Authorities, Sri Kamachi Amman Devasthanam
Puducherry
- Respondents



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Prayer:- This Writ Petition has been filed, under Article 226 of the Constitution of India, for issuance of Writ of Certiorari to call for the records relating to the order/notice dated 03.07.2024 of the 4th Respondent and in Notice No.3109/TOO/D/2024 and quash the same.

For Petitioner : Mr.S.Mukunth, SC

For Respondents : Mr.S.Raveekumar, GP

ORDER

(Order of the Court was made by S.S.SUNDAR, J.)

1. This Writ Petition is filed for issuance of Writ of Certiorari to call for the records relating to the order/notice dated 03.07.2024 of the 4th Respondent in Notice No.3109/TOO/D/2024 and to quash the same.
2. This court heard the learned counsel on either side and considered their submissions and also perused the materials placed on record.
3. The Petitioner purchased a disputed property from the 7th Respondent under a sale deed in 2014 for a substantial consideration. It is now admitted that one of the devotees of the 8th Respondent Temple earlier filed a Writ Petition in WP.No.25472 of 2023 to cancel all the sale deeds executed in favour of third parties. This Court earlier directed the



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Respondents 1 to 4 to investigate into the sale deeds executed by the 7th Respondent and a further direction was issued to the Respondents 1 to 4 to take possession of the vacant land. Thereafter, in the Writ Appeal filed by a few other purchasers in WA.No.2851 of 2023, the first Bench of this Court considered the nature of the claims made by persons, who are in possession on the basis of the sale deeds executed by the 7th Respondent and the grievance of the purchasers, directed the Appellants to approach the civil court in the pending suit to decide the question of title, in accordance with law.

4. The Writ Petition in WP.No.25472 of 2023 was taken up finally and disposed of with a direction to the private Respondents to approach the civil court to prove their respective title. It is admitted that the 7th Respondent is held to be a person who has no semblance of right or title in the disputed properties. It appears that in several writ proceedings initiated by several purchasers, the 8th Respondent Temple is recognised as the owner of the properties, including the property, which is the subject matter of the present Writ Petition.

5. The Petitioner herein also claims to have purchased a parcel of the property from the 7th Respondent under a sale deed, which is registered



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as Document No.2616 of 2014 on the file of the Sub Registrar, Oulgaret for a substantial consideration. It is at the initiation of a worshipper in the 8th Respondent Temple who filed WP.No.25472 o 2023, this Court issued several directions, directing the Official Respondents to investigate into the sale deeds executed by the 7th Respondent and the title of the 8th Respondent. Based on the inputs given by the Revenue Officials and the documents, this Court has held that the 7th Respondent has fabricated a few records to claim title to the property of the 8th Respondent and the findings in respect of the substantial properties dealt with by the 7th Respondent had become final. It is under these circumstances, the Petitioner, who is not a party to the present proceedings, has filed the present Writ Petition, seeking to quash the notice issued by the Tahsildar requiring the Petitioner to hand over the property to the Temple Authorities of Kamachi Amman Devasthanam, Puducherry.

6. When the matter was taken up earlier, this Court found that the Petitioner is not the owner, but a victim of fraud. After going through the records, this Court was inclined to grant time to the Petitioner till May 2025 to hand over possession of the property on the Petitioner



filing an affidavit of undertaking before this Court.

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7. The Petitioner has filed an affidavit of undertaking in the following lines:-

“3. I submit that in consonance with direction issued by this Court vide order dated 23.07.2024 in the above matter, I undertake to vacate my house subject matter of the above Writ Petition and will hand over the possession on or before 31st May 2025.”

8. Considering the fact that the Petitioner in all probabilities must be a victim of fraud and Petitioner is residing in the subject property, this Court is inclined to grant time to the Petitioner till 31.05.2025 to vacate the premises. Accordingly, a direction is issued to the Petitioner to hand over vacant possession of the property to the 8th Respondent on or before 31.05.2025 and give a letter in writing that the possession is handed over to the Temple by way of acknowledgment.

9. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected MP is closed. However, in view of the fact that the Petitioner is not aware of the earlier proceedings, this Court believing the submission of the learned counsel for the Petitioner that



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the Petitioner is a bona fide purchaser for a valid consideration, grants liberty to the Petitioner to proceed against the 7th Respondent or anyone who has misled the Petitioner by producing fabricated documents to purchase the property.

(S.S.S.R.J.) & (N.S.J.)
01.08.2024

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Neutral Citation
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To

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