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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED :17.12.2024

CORAM :

**THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI**

CMP Nos.18319, 8027, 20313, 22405 of 2024  
in S.A.No.246 of 2024,  
CMP.No.8534 of 2024 in S.A.No.247 of 2024,  
CMP.No.7818 of 2024 in S.A.No.249 of 2024,  
CMP.No.8614 of 2024 in CMP.No.6731 of 2024 in S.A.No.250 of 2024  
and CMP.No.7746 of 2024 in CMP.No.12820 of 2024 in S.A.No.251 of 2024

Philomena Sajana .. Petitioner in CMP.No.18319, 8027, 20313 &  
22405 of 2024

M.Susairaj .. Petitioner in CMP.No. 8534 of 2024

P.S.Arulraj (deceased)  
Lalitha @ Vinnyfred (deceased)  
1.Christopher  
2.Henry  
3.Arokia Mary .. Petitioners in CMP.No.7818 of 2024

Diana Baby .. Petitioner in CMP.No.8614 of 2024

Thanigaimani .. Petitioner in CMP.No.7746 of 2024

Versus



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1. Archbishop of Madras-Mylapore,  
Most Rev.Dr.George Antonysamy,  
S/o. Late S.Antonysamy,  
rep. by his duly appointed Power  
Agent Rev.Fr.S.Ignatius Thomas  
Archbishop's House  
No.41, Santhome High Road,  
Chennai-600 004.

2. Archdiocese of Madras - Mylapore Society  
Chairman Archbishop of Madras - Mylapore  
Most Rev.Dr.George Antonysamy.  
S/o.Late S.Antonysamy,  
rep. by his duly appointed Power  
Agent Rev.Fr.S.Ignatius Thomas, Archbishop's House,  
No.41, Santhome High Road,  
Chennai-600 004.

.. Respondents in all CMPs

**Common Prayer:** Civil Miscellaneous Petitions filed Under Order XLI Rule 27 of CPC, praying to receive the documents listed hereunder and permit additional evidence by order thereon.

For Petitioners in all CMPs : Mr. Joseph Thatheus Jerome

For Respondents in all CMPs : Mr.Sriram Pachu, Senior Counsel  
for Mr.C.Auxilia

### **COMMON ORDER**

The appellants, as the petitioners, have filed these application seeking to receive additional documents. During the pendency of the proceedings, they obtained information and documents regarding the plaintiffs' right and title over the property. The plaintiffs / respondents allegedly suppressed the true



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nature of the property and contested the suit, claiming the plaintiffs' church is the absolute owner. However, permanent land records indicate that the survey number in question pertains to Government *puramboke* land. The archbishop of the plaintiffs' church has no proprietary rights over the property.

2. Additionally, the second plaintiff, a society, has not furnished the statutory particulars as required by the District Registrar of Societies since 2005. The society is effectively defunct due to the non-submission of statutory requirements. Despite this, they have initiated the suit, claiming the society is functioning per the Tamil Nadu Societies Registration Act under Section 16.

3. The petitioners further contend that the Revenue Department documents reveal irregularities. One Tahsildar, Sailendran, inserted a new column ("*adangal*") in the government record on 11-08-2016, favouring the plaintiffs. On 28-09-2024, another Thasildar Latha removed certain columns that showed the title of the property as "Government Puramboke." This digital, computerized extract directly contradicts the documents furnished by the Director of Land Records and other concerned authorities. The petitioners obtained relevant documents, which confirm that the suit survey number is

<https://www.mhc.trinidadandtobago.gov.tt/> indeed classified as "Government Puramboke" land. However, for the time



being, it was assigned as rent-free land to be used for the purpose of functioning as a church and for charitable purposes.

4. However, the plaintiffs have filed the suit as absolute owners of the property and intend to develop it for commercial purposes, contrary to its original charitable purpose. They also allege that the plaintiffs/respondents have no right or title and that the Revenue authorities manipulated records to favour the plaintiffs' church.

5. The petitioners / appellants seek to produce additional documents to establish that the plaintiffs' claim of right and title is fabricated and to demonstrate record manipulation. They request the court to admit these documents as evidence.

6. The respondents argue that the petitioners are inconsistent in their stance throughout the proceedings. Initially, the petitioners claimed the property belonged to the D' Monte Trust, but they now assert it is *Government sarkar puramboke* land. This is contrary to the petitioners' admission that they paid rent to the plaintiffs.



WEB COPY 7. The respondents further contend that by receiving rent, the plaintiffs become the landlord of the petitioners, even assuming the plaintiffs lack right and title. The documents now sought by the petitioners are an attempt to fill a lacuna, which is impermissible in a simple ejectment case initiated by a landlord against a tenant.

8. Additionally, the respondents note that the alleged manipulations in the revenue records involve actions by Tahsildars who are not parties to the proceedings. The respondents deny any suppression of facts and assert that the plaintiffs are properly represented by their power agent. They argue that the additional documents are irrelevant to the case.

9. Furthermore, they also pointed out that the connected suits had come to an end by dismissal made by the Honble Apex Court. This dismissal would bind the present petitioners as well. However, as discussed above, the documents received from the revenue authorities, particularly from the Tahsildar, show significant irregularities. The Tahsildar inserted a new column contrary to the particulars found in the Government land records, and another Tahsildar deleted certain columns in the revenue records.



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10. More specifically, Tahsildar Latha removed the details about the nature of the property during the digitization of the revenue records, which originally indicated that the property was classified as "Government sarkar." These manipulations in the revenue records necessitate the attention of the Court to determine the true owner of the suit survey No.3977. Moreover under 2nd plaintiff Society control suit Survey Number also not found, only schools and other institutes are the object of the society as per the rules of society dated 15.03.1958.

11. Additionally, an enquiry is required to understand the reasons behind the actions of the revenue officials, particularly the deletion of columns indicating the property nature as "government sarkar." In light of these developments, which directly impact the right and title of the property, and in the interest of justice, it is necessary to admit the documents as additional evidence.

12. Admittedly, the Government is not a party to the proceedings.

However, the circumstances necessitate the inclusion of the state as a



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necessary party. This is because the original permanent land records denote the nature of the property as *Government Sarkar*. Despite this, the Government has not taken any steps to reclaim the property to date. At the time the property were granted, it was specified as rent-free as it is used for the purpose of Christian church.

13. Over time, apart from the portion occupied by the church, the entire property has been converted into buildings. Furthermore, rent has been collected for these buildings, as per the plaintiffs' claims, indicating that the property is being used for commercial purposes. This constitutes a contravention of the original conditions, and the government is bound to take necessary action.

14. In light of these circumstances, additional evidence is required to substantiate the documents obtained by the petitioners under the Right to Information Act. Consequently, all applications for allowing this additional evidence are approved.

15. The learned trial judge is directed to record the evidence by receiving the additional documents submitted by the petitioners. Additionally, the respondents are also entitled to present additional evidence. The petitioners



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are also permitted to examine individual witnesses as well as revenue officials regarding the alleged insertion and fabrication of records.

16. After recording the evidence from both sides, the learned trial judge is instructed to evaluate the additional evidence, both oral and documentary, and complete the process within six weeks from today (i.e., 17.12.2024). The matter is to be placed before this Court on 28.01.2025 for further arguments. Against errered officials namely Sailendran, Latha Tasildars of relevant period for fabrication of revenue records, State is to be directed to take disciplinary actions as they also violated the rules including circular which requires they should get concurrence from the Commissioner of Land reforms.

17. Accordingly, these applications are allowed.

**17.12.2024**

Index : Yes/No  
Speaking/Non Speaking order  
Neutral Citation: Yes/No

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Copy To:

1. The Commissioner of Land Reforms, Chennai

2. The District Collector, Chennai.

<https://www.mhc.tn.gov.in/judis>



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**T.V.THAMILSELVI, J.**

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