



WP(MD). No.23899 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 15/10/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.23899 of 2024
and WMP(MD) No.20243 of 2024**

V.Palanisamy

... Petitioner

Vs

1. The District Collector,
Dindigul District, Dindigul.

2. The District Registrar,
Palani Registration District,
Palani, Dindigul District..

3. The Sub Registrar,
Sub Registrar Office,
Oddanchathiram, Dindigul District..

4. The Commissioner,
HR and CE Department,
No.119, Uthamar Gandhi Road,
Nungambakkam, Chennai..

5. The Assistant Commissioner,
HR and CE Department, Dindigul,
Dindigul District..

... Respondents



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PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned notice issued by the 3rd respondent in Na.Ka. No.52/2024, dated 26.04.2024 and quash the same and consequently direct the 3rd respondent to fix the Government guideline value in SF No.355, at Oddanchathiram, Dindigul District.

For Petitioner : M/s. S.Sadeskumar
For Respondents : Mr.D.Gandhiraj for R1
Special Government Pleader
Mr.K.S.Selvaganesan for R4&R5
Additional Government Pleader
Mr.C.Satheesh for R2&R3
Government Advocate

ORDER

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. This writ petition has been filed challenging the impugned notice dated 26.04.2024 of the 3rd respondent and to direct the 3rd respondent to fix the guideline value in SF No.355, at Oddanchathiram, Dindigul District.



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3. The petitioner presented a document for registration before the 3rd respondent. However, the same has been refused to be registered on the ground that there is no value fixed on the property and there is an objection made by the HR&CE Department through a letter dated 22.12.2014.

4. It is the contention of the learned counsel for the petitioner that the temple has no right whatsoever in the property. The properties were originally purchased in a Court auction sale on 29.06.1929 and the sale was confirmed on 02.08.1929 and besides the said property is also the subject matter of proceedings under the Act 30 of 1963, wherein patta has been granted in favour of the ancestors of the petitioner, viz., Periyagoundar, Palanimuthu Goundar, Mylathal, Lakshmi and Athammal. Pursuant to the said order passed by the Settlement Tahsildar on 25.09.1968, the amount as ordered by the Settlement Officer has been paid to the Government. Therefore, the ryotwari patta has been issued under Section 11(2) of the Act 30 of 1963. Therefore, the temple authorities have no right to claim the title of the property.



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5. I have considered the rival submissions and perused the materials available on record.

6. As rightly pointed out by the learned counsel for the petitioner that the land was the subject matter of proceedings before the Settlement Tahsildar in proceedings in SR:301/NI Act/PLH/68 dated 20.05.1968 and by order dated 20.05.1968, patta has been originally granted under Section 8(2) of the Act 30 of 1963 and subject to paying the consideration to the Government, ryotwari patta will be issued under Section 11(2) of the Act 30 of 1963. A copy of the order was also communicated to the Tahsildar to fix the fair rent and determine the quantum of consideration payable to the Government. This order has reached finality and this has not been challenged so far.

7. Pursuant to the order, ryotwari patta has also been issued by the Tahsildar and the name of the parties were also included in the patta. As long as this proceeding has not been challenged and reached finality, the temple, merely on the basis of the objection letter, cannot take away the rights of the parties. It is for them to establish the same by filing



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necessary suit before the civil Court for recovery of property. Instead of doing so, the temple authorities cannot unsettle the orders, which reached finality. Accordingly, the writ petition is allowed and the impugned order stands quashed and the 3rd respondent is directed to register the document within a period of one week from the date of receipt of a copy of this order. No costs. Consequently connected Miscellaneous Petition is closed.

15.10.2024

NCC : Yes/No

Index : Yes/No

RR

TO

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HR and CE Department,
No.119, Uthamar Gandhi Road, Nungambakkam, Chennai..

5. The Assistant Commissioner,
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Dindigul District..

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N.SATHISH KUMAR,J

RR

**ORDER
IN
WP(MD) No.23899 of 2024**

Date : 15/10/2024