



WP(MD). No.24638 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 19/10/2024

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The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.24638 of 2024
and WMP(MD) No.20970 of 2024**

Chennimalai

... 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,
Dindigul,
Dindigul District..

... Respondents



WP(MD). No.24638 of 2024

WEB COPY

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 refusal slip issued by the 3rd respondent in R.F.L / Oddanchatram / 2/2024, dated 19.01.2024 and quash the same and consequently direct the 3rd respondent to fix the Government guideline value in S.F.No. 355, at Oddanchathiram, Dindigul District and register the settlement deed.

For Petitioner : M/s. Sadeskumar. S
For Respondents : Mr.M.Siddharthan for R1 to R3
Additional Government Pleader
Mr.K.S.Selva Ganesan for R4&R5

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 19.01.2024 of the 3rd respondent and to direct the 3rd respondent to fix the guideline value in SF No.355, at Oddanchathiram, Dindigul District.



WP(MD). No.24638 of 2024

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 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. The petitioner herein has purchased 50 cents from the legal heirs of one Vemba Goundar. Therefore, the temple authorities have no right to claim the title of the property.



WP(MD). No.24638 of 2024

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



WP(MD). No.24638 of 2024

necessary suit before the civil Court for recovery of property. Instead of doing so, the temple authorities cannot unsettle the orders, which reached finality.

8. Though it is stated by the 4th respondent that amount fixed by the Settlement Officer has not been paid, it is a matter of evidence. This Court is of the view that if the amount has not been paid, they can restore the properties by filing proper suit and by mere application filed before the authorities, the right that has been already crystallised under the special enactment cannot be taken away.

9. 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.

19.10.2024

RR

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WP(MD). No.24638 of 2024

TO

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WP(MD). No.24638 of 2024

N.SATHISH KUMAR,J

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