



W.P.No.18334 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2025

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.18334 of 2024

R. Naveena

... Petitioner

Vs.

1. The Collector,
Collectorate of Dharmapuri,
Dharmapuri.
2. The District Revenue Officer,
Collectorate of Dharmapuri,
Dharmapuri.
3. The Additional Collector and Project Director,
District Rural Development,
Collectorate of Dharmapuri,
Dharmapuri.
4. The Assistant Director of Rural Development
(Village Panchayat)
District Rural Development,
Collectorate of Dharmapuri,
Dharmapuri.
5. The Block Development Officer,



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WEB COPY Nallampalli,
Dharmapuri District.

6. The Tahsildar,
Nallampalli Taluk,
Dharmapuri District.
7. The President
Mathemangalam Village Panchayat,
Nallampalli Taluk, Dharmapuri District.
8. The Joint Commissioner
HR and CE Department, Salem.
9. The Executive Officer,
Arulmigu Mandu Mariyamman Vagaiyara
Temple, Nallampalli,
Dharmapuri District.

... Respondents

(R8 & R9 are suo motu impleaded as per order dated 30.07.2024 in W.P.No.18334 of 2024 by VVBSJ)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 04.03.2024 and to remove the illegal constructions and partly implementation of Government Project in the petitioner's land bearing Survey No.487/1H to an extent of 12.35 cents at Mathemangalam Village Panchayat, Nallampalli Taluk, Dharmapuri District expeditiously in accordance with law.



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For Petitioner	...	Mr.K.Balaji
For Respondents	...	Mr.N.Naveen Kumar Government Advocate for R1 to R4 & R6
		Mr.K.Karthikeyan Government Advocate for R8 & R9
		Dr.S.Suriya Addl. Govt. Pleader for R5 & R7

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 04.03.2024 and to remove the illegal constructions and part implementation of Government Project in the petitioner's land bearing Survey No.487/1H to an extent of 12.35 cents at Mathemangalam Village Panchayat, Nallampalli Taluk, Dharmapuri District.

2. The petitioner claims title to the aforementioned lands in Survey No.487/1H measuring an extent of 12.35 cents at Mathemangalam



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Village. In the affidavit filed in support of the writ petition, it had been stated that the father of the petitioner Ranganathan, mother of the petitioner and one Obilichetty and three others were joint owners of the property in S.No.487/1H measuring 12.35 cents at Mathemangalam Village Panchayat, Nallampalli taluk, Dharmapuri district. It had been stated that joint patta in patta No.1470 had been issued and after the death of the petitioner's father, the petitioner, her mother and Obilichetty and three others were in joint possession of the property. It had also been stated that they had however shifted their residences and moved away from the property. It had been stated that taking advantage of that fact, the respondents 4 to 7 namely the Assistant Director of Rural Development (Village Panchayat), District Rural Development, Collectorate of Dharmapuri, Dharmapuri, The Block Development Officer, Nallampalli, Dharmapuri district, The Tahsildar, Nallampalli Taluk, Dharmapuri district and the President, Mathemangalam Village Panchayat, Nallampalli Taluk, Dharmapuri District had laid a cement road, electric light pole and bore well with sintex tanks. A Banyan tree was also planted and cement platform was laid in Survey No.487/1H. This came to



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the knowledge of the petitioner in the year 2017.

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3. It had been contended on behalf of the respondents that the land is actually temple land, belonging to Arulmigu Pattalamman Temple. Thereafter, it had been contended that the petitioner and others had given a representation before the District Revenue Officer, Dharmapuri. It had been stated that an order had been passed on 09.05.2022 that the land belongs to individuals and that there are no records to prove that the land had been given under the Inam Abolition Act for the services rendered to the temple. It had been contended that the request of the temple had been rejected. It had been further stated that on 12.12.2023, the 7th respondent tried to lay water pipe under the Jal Jeevan Mission 2022-2023 scheme. The petitioner had protested against this act of the 7th respondent. The petitioner had given a representation to the District Collector and other authorities. It had also been stated that there are vacant Government lands adjacent to the land of the petitioner. It had been further stated that since the representation given by the petitioner had not been considered, the present writ petition in the nature of mandamus had been filed.



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4. A counter affidavit had been filed by the Block Development Officer / 5th respondent on behalf of all the respondents. It had been stated that this property in Survey No.487/1H for which joint Patta No.1470 measuring 12.35 cents at Madhemangalam Village Panchayat, Nallampalli Taluk, Dharmapuri district had been issued belongs to Arulmigu Pattalamman Koil. It had been stated that the father of the petitioner Ranganathan and one Obilichetty, Munusamy Chetti, Obalammal and Bethana Chetti had donated their land to build the Temple. It had been therefore stated that the petitioner cannot claim any right over the land in Survey No.487/1H for which joint patta No.1470 of Venkattampatti village in Madhemangalam Panchayat had been issued. It had also been stated that about 20 years back, cement road had been laid, electric light pole had also been put up, borewell with sintex tank had also been established and cement floor had also been put up around the Banyan tree. Objections were never raised by the petitioner. It had also been stated that the District Revenue Officer, Dharmapuri had enquired the petitioner regarding the request of the HR & CE Department to



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remove the individual's name in the patta and in other relevant documents. It had also been stated that the petitioner cannot take advantage of the order of the District Revenue Officer and claim exclusive title over the property. It had also been stated that water tank is required to provide water to the residents surrounding the Pattalamman Temple. It had also been stated that the individual house hold tap connections have to be provided under the Jal Jeevan Mission 2022-2023. It had been stated that even at that time no protest had been raised by the petitioner. It had been stated that the work had been completed and thereafter the petitioner had given a representation. It had been stated that the petitioner has no right over the land. The petitioner had given a representation and it had been stated that the petitioner has no right over the land.

5. Heard both side and perused the materials available on record.

6. It is the contention of the learned counsel for the petitioner that the District Revenue Officer had passed a detailed order on 09.05.2022 in



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Na.Ka.No.18787 /2019/ wherein, with specific reference to the lands now under issue, namely Survey No.487/1H, measuring 4 acres and 40 cents in Madhemangalam Panchayat, Nallampalli Panchayat Union, Dharmapuri District, it had been stated that before the UDR, the patta was in the names of Ranganathan, Obilichetty, Munusamy Chetti, Obalammal and Bethana Chetti. But very importantly a remark had also been given that the land belongs to Arulmigu Pattalamman Temple. This would only indicate that the aforementioned individuals were occupying the land. They cannot claim any title or right over the land. By the order of the District Revenue Officer, title can never be declared. He only examines the revenue records but cannot declare title over any land. It is only a Civil Court which can declare title over any land.

7. The reliance placed by the petitioner on this particular document is misplaced. The learned counsel however insisted that in the further column the District Revenue Officer had stated that since there was no records produced that the land had been handed over to the temple, it is to be presumed that the said individuals hold the said land. This argument



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by the learned counsel again cannot be taken into consideration by the Court since the fundamental fact is that the land as such is primarily vested with the Arulmighu Pattalamman temple. It is also to be noted that even twenty years back, both according to the petitioner, when the petitioner was not in possession of the land and also according to the respondents, a tar road was built, electric pole had been put up, borewell had been dug and sintex tank had also been erected. Now under the scheme, the respondents wanted to put up pipeline to provide water supply for the surrounding areas. At this time, the petitioner had raised an objection. This document relied on by the learned counsel for the petitioner namely the order of the District Revenue Officer can never indicate title or ownership. The petitioner cannot exclusive claim title over the said land by placing reliance on the order of the District Revenue Order. He cannot adjudicate title of any land. Even in his own remarks he had clearly stated that the land is vested with Pattalamman Temple.

8. The learned counsel for the petitioner had placed reliance only on the aforementioned order of the District Revenue Officer and no



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further arguments had been advanced. On the basis of that order, the petitioner can never claim title over the land. It is also to be mentioned that the project of the respondents is in larger public interest to provide water supply to the residents of the surrounding area around Arulmighu Pattalamman Temple. The petitioner had never raised objection when the road was built. The petitioner had not raised objections when the electric poles were put up. The petitioner had not raised objection when the borewell was dug. The petitioner had not raised objection when the sintex tank was erected. The petitioner had not raised objection when the cement platform was put around the Banyan tree. It is also to be noted that the petitioner individually cannot maintain the writ petition since even according to the records produced by the petitioner, the petitioner's father is just one among several other joint pattathars. The others have not joined in the writ petition. This Court can never adjudicate title. The District Revenue Officer had not adjudicated title.

9. Accordingly, the writ petition stands dismissed. No costs.



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Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

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Dharmapuri.
2. The District Revenue Officer,
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Dharmapuri.
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