



W.P.No.20355 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 19.06.2025

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.20355 of 2025

K.Nallathambi

.. Petitioner

VS

1. District Collector
O/o The District Collector
Namakkal
2. The Sub Registrar
O/o The Sub Registrar
Paramathi, Namakkal District
3. Joint Commissioner
HR & CE Department
Erode
4. The Revenue Tahsildar
O/o Revenue Tahsildar
Paramathi Vellur, Namakkal District
5. The Executive Officer (In charge)
Arulmigu Bagavathi Amman Temple
Punjai Idaiyar Melmugam
Paramathi Vellur, Namakkal
6. The Selection Grade Town Panchayat



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rep by its Administrative Officer
Paramathi Vellur, Namakkal

.. Respondents

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Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings dated 18.02.2025 in Na.Ka.No.11/2025 passed by 5th respondent and quash the same and further directing the 4th respondent to issue patta in petitioner's favour with respect to petitioner's property covered under sale deed Doc.No.525 of 2025 dated 10.02.2025.

For Petitioner :: Mr.I.Abrar Mohamed Abdullah

For Respondents :: Mr.T.M.Rajangam
Government Advocate for
R1, R2, R4 & R6
Mr.N.R.R.Arun Natarajan
Special Government Pleader
for R3 & R5
Mr.K.Karthikeyan
Government Advocate for
R3 & R5

ORDER

This writ petition has been filed challenging the impugned proceedings of the fifth respondent dated 18.02.2025 and for a further direction to the fourth respondent to issue patta in the name of the petitioner



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with respect to the subject property.

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2. When the writ petition came up for hearing on 09.06.2025, the following order was passed by this Court:-

“Mr.T.M.Rajangam, learned Government Advocate, takes notice on behalf of the respondents 1, 2 and 4 and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader, takes notice on behalf of the respondents 3 and 5.

2. It is seen from records that the right and title of the petitioner over the subject property was already considered by a learned Single Judge of this Court in W.P.No.11729 of 2024, based on the judgment and decree that was passed in O.S.No.18 of 2005 which were further confirmed in appeal in A.S.No.37 of 2015 by the Sub Court, Namakkal. In view of the same, this Court had directed the 2nd respondent herein to register the sale deed and since the direction was not complied with, a contempt petition was filed by the petitioner in Contempt Petition No.381 of 2025, wherein this Court once again directed the Sub Registrar to register the document and to report compliance by an order dated 07.02.2025. Pursuant to the same, the document was also registered. When the petitioner was taking steps to get the revenue records mutated in his name, the impugned communication is said to have been issued by the 5th respondent to the 4th respondent stating that the patta should not be transferred in favour of the petitioner and that the temple is taking steps to recover the property by initiating proceedings.



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3. On a prima facie consideration of the materials available on record, it is seen that the title of the petitioner has already been decided by a competent civil Court and based on the same, orders were also been passed by this Court. Hence, revenue records must be mutated, based on the title of the petitioner and the temple cannot stop the revenue Tahsildar from mutating the revenue records by issuing a communication. That virtually takes away the rights of the petitioner which was recognised by a competent civil Court.

4. The learned Special Government Pleader appearing on behalf of the respondents 3 and 5 seeks for some time to take instructions.

5. Post this writ petition under the caption "for orders" on 19.06.2025.”

3. When the matter was taken up for hearing today, the learned Government Advocate appearing on behalf of the respondents 3 & 5 submitted that already steps have been taken by the temple to establish their right over the property before the competent civil Court and hence he seeks for some more time to file a counter in this regard.

4. In the considered view of this Court, the right and title of the



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petitioner over the subject property has already been confirmed by the competent civil Court. This was recognised by this Court and an earlier order was passed in W.P.No.11729 of 2024 directing the Sub Registrar to register the document and report compliance. After the document was registered, the petitioner was taking steps to get the patta transferred in his name. At that point of time, the temple, by issuing the impugned communication dated 18.02.2025, has requested the Tahsildar not to mutate the revenue records with respect to the said property. It is not known as to where the Executive Officer derives such a right. If the temple is claiming a right over the property, it has to be worked out in the manner known to law. A communication cannot be sent to the revenue authority stopping the revenue authority from performing his statutory duty.

5. In the instant case, the revenue authority has to necessarily act upon the civil Court decree and also the sale deed, which has already been executed in the name of the petitioner and which has been registered pursuant to the orders passed by this Court. That cannot be stopped by the H.R. & C.E. Department by simply issuing a communication to the



Tahsildar.

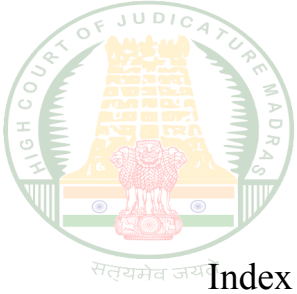


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6. In the light of the above discussion, the impugned communication dated 18.02.2025 issued to the fourth respondent will not bind the fourth respondent and the fourth respondent is directed to act upon the application submitted by the petitioner seeking for mutation of the revenue records and for issuing patta in his name. The same shall be considered in the light of the civil Court decree and also the sale deed, which has been registered in the name of the petitioner. Ultimately, if the temple is able to establish their right in the manner known to law before the competent Court, it is left open to them to approach the revenue authorities and seek for cancellation of the patta. Except giving this liberty to the temple, this Court is not inclined to prevent the petitioner from getting the revenue records mutated in his name. The fourth respondent shall complete this process within a period of four weeks from the date of receipt of a copy of this order.

7. In the result, this writ petition is allowed in the above terms. Consequently, W.M.P.No.22935 of 2025 is closed. No costs.



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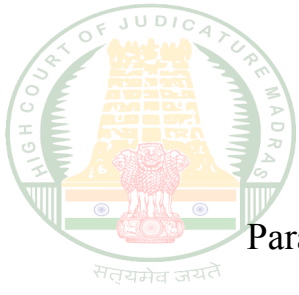
Index : yes/no

Neutral citation : yes/no

SS

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N.ANAND VENKATESH,J.

SS

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