

W.P. No.21976 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.21976 of 2025

and

W.M.P. No.24725 of 2025

K.V.Sorubarani

Petitioner(s)

Vs

- 1.The District Collector,
Krishnagiri District, Krishnagiri.
- 2.The District Revenue Officer,
Krishnagiri District, Krishnagiri.
- 3.The Revenue Divisional Officer,
Krishnagiri, Krishnagiri District.
- 4.The Tahsildar
Krishnagiri Taluk,
Krishnagiri District.
- 5.The Block Development Officer,
Veppanapalli Panchayat Union,
Krishnagiri Taluk and District.
- 6.Arulmigu Dharmaraja Temple,
Rep. By Its Dharmakartha,
Chinnathambi, Samanthamalai Village,
Kundarappalli Post, Krishnagiri Taluk
and District.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,



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praying to issue a Writ of Mandamus forbearing the respondents from carrying on the construction of the ration shop in the land in old Survey No.322/ 1A3B, in Patta No.778, with sub- divided re-survey No.322/1A3B2, in Patta No.3771 situate at Kundarappalli Revenue village, Krishnagiri Taluk and District, during pendency of the statutory appeal dated 13.06.2025 under the Tamil Nadu Patta Passbook Act, 1986 before the 3rd respondent.

For Petitioner(s) : Mr.C.Prabakaran

For Respondent(s) : Mr.A.Selvendran
Special Government Pleader (for R1 to R4)

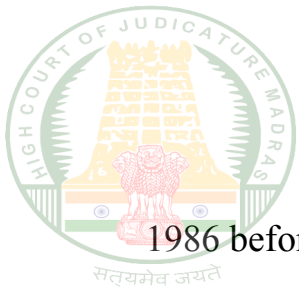
Mr.M.Alagu Gowtham
Government Advocate (for R5)

Mr.S.Sathiaseelan (for R6)

ORDER

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

2. The present writ petition is filed praying for a writ of mandamus forbearing the respondents from carrying on with construction of the ration shop in the land comprised in old Survey No.322/ 1A3B, in Patta No.778, with sub-divided re-survey No.322/1A3B2, in Patta No.3771 situated at Kundarappalli Revenue Village, Krishnagiri Taluk and District, during pendency of the statutory appeal dated 13.06.2025 under the Tamil Nadu Patta Passbook Act,



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1986 before the 3rd respondent.

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3. It is submitted by the learned counsel for petitioner that the property comprised in Survey Nos.322/1A1, 322/1A3 situated at Kundarappalli Village, No.67, Krishnagiri Taluk and District, originally belongs to the petitioner's father-in-law cum grandfather Gopalasamy Naidu. Thereafter, petitioner's husband G.Munusamy and his brother Govindaraj Naidu had partitioned the property and are in possession of the same. While so, the petitioner's family had decided to sell the property in favour of Dharmaraja Temple based on the request of the villagers and the petitioner, her brother-in-law and his son Baskaran executed a sale deed in favour of Arulmigu Dharmaraja Temple by a registered sale deed dated 02.02.2000 vide Document No.141 of 2000 in respect of the property in Survey No.322/1A1 to an extent of 0.03 cents and Survey No.322/1A3 to an extent of 0.90 cents, in total an extent of 0.93 cents. The petitioner and her family are in possession and enjoyment of the remaining extent of the property.

3.1. It was further submitted by the learned counsel for petitioner that based on the sale deed, a joint patta was issued in Patta No.778 by including the name of temple, petitioner and her son Nirmal. It is the grievance of the petitioner that the respondents have constructed a ration shop/fair price shop in



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petitioner's land comprised in Survey No.322/1A3B and that the fair price shop is being run in petitioner's land instead of the land sold to the temple. Based on the objections raised by the petitioner, the District Revenue Officer has issued a detailed communication dated 18.04.2025 in Na.Ka.No.11 of 2024/A2 stating that the entire construction of the ration shop was made in the petitioner's patta land and that the construction of the building was stopped by the department and the petitioner's application for removal of construction is pending before the Rural Development Authority. The 4th respondent without issuing notice to the petitioner, sub-divided the land in favour of temple vide proceeding dated 29.05.2025 in T.R.No.2025/31/05/000818SD based on application of one Chinnathambi, who is the Dharmakarthha of the temple to the extent of 93 cents in sub-divided Survey No.322/1A3B1 to an extent of 91.21 ares in the name of petitioner, her son and survey No.322/1A3B2 to an extent of 36.43 ares in the name of temple and Survey No.322/1A3B3 to an extent of 01.36 ares instead of 30 cents and issued a separate patta in favour of the temple in Patta No.3771 so as to cover the construction of ration shop within the temple land.

4. At the outset, it is submitted by Mr.A.Selvendran, learned Special Government Pleader for respondents 1 to 4 that the appeal would be disposed of within a period of four weeks.



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5. Learned counsel for 6th respondent would submit that they must be heard by the 3rd respondent before any order is passed, as they claim to have absolute right and title over the subject property, which is contradicted by the learned counsel for petitioner. Learned Government Pleader for 6th respondent would submit that construction has already been completed. It is submitted by the learned counsel for respondents 1 to 4 that the Revenue Divisional Officer (RDO) will hear the petitioner, 5th and 6th respondents and all interested parties on 27.06.2025 and pass orders within a period of two weeks thereafter.

6. This Court directs the appropriate respondent to dispose of the appeal filed by the petitioner after putting the petitioner, 5th and 6th respondents and all other interested parties on notice and pass orders within a period of four weeks. It was agreed to by the learned counsel for petitioner, respondents 5 and 6 that no separate notice is required and they would appear before the 3rd respondent on 27.06.2025. Status quo to be maintained till the disposal of appeal.

7. Accordingly, the writ petition stands disposed of. No costs.



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Consequently, the connected miscellaneous petition is closed.

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Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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To:

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Krishnagiri District, Krishnagiri.
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MOHAMMED SHAFFIQ, J.

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