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W.P.No.3957 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2025

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.3957 of 2025

A.Nirmala

.. Petitioner

VS

The Tahsildhar
Coimbatore (North), Coimbatore Taluk
Coimbatore District.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, seeking a writ of Certiorarified Mandamus, to call for the records relating to File No.2023/0103/12/503911 dated 26.10.2023 on the file of the respondent and quash the same as illegal, arbitrary, null and void and further direct the respondent to sub-divide and grant patta in the name of the petitioner for the land belonging to her and situated in Kurudampalayam Village and comprised in present Patta No.1867 and S.No.69 Dry measuring an extent of one acre.

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For Petitioner : Mr.S.Subramanian
For Respondent : Mr.A.Selvendran
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings of the respondent dated 26.10.2023 and for a consequential direction to the respondent to sub-divide and grant patta in the name of the petitioner in respect to the subject property within a time frame to be fixed by this Court.

2. Heard *Mr.S.Subramanian*, learned counsel for the petitioner and *Mr.A.Selvendran*, learned Special Government Pleader for the respondent.

3. The petitioner is claiming the right and title over the subject property. Shri.Viruntheeswarar Temple was also claiming right over the property and a suit was filed in O.S.No.20 of 1997

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before the District Munsif Court, Coimbatore. Ultimately, the case ended before this Court in S.A.No.585 of 2007. This Court, by the judgment and decree dated 17.08.2021, confirmed the judgment and decree passed by the Trial Court as well as the Appellate Court, dismissing the suit.

3. Pursuant to the same, the petitioner filed an application seeking patta. The same has been rejected without assigning any reasons and by merely stating that a counter claim has been made by the Temple and the Hindu Religious & Charitable Endowments (HR & CE) Department. Aggrieved by the same, the present writ petition has been filed before this Court.

4. In the considered view of this Court, the claim made by the Temple was already decided upto this Court and it was rejected. Hence, if a counter claim has been made by the Temple, the Tahsildar ought to have conducted an enquiry and should

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have satisfied himself by the decree that has been passed by the Civil Court. The Tahsildar cannot reject the application with an one-line order stating that objections have been received from the Temple. In fact, the Tahsildar ought to have strictly gone by RSO 31(4) after putting the Temple/HR & CE Department on notice.

6. In light of the above discussions, the impugned online order dated 26.10.2024 is hereby quashed and the matter is remitted back to the file of the respondent to deal with the application submitted by the petitioner, as per the observations made by this Court, after putting the Temple/HR & CE Department on notice and a final order shall be passed within a period of six weeks from the date of receipt of a copy of this order.



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7. In the result, this writ petition is allowed with the above directions. There shall be no order as to costs. Consequently, W.M.P.No.4401 of 2025 is closed.

10.02.2025

Speaking Order/Non-Speaking Order.
Internet : Yes/No.
Index: Yes/No.
Neutral Citation: Yes/No

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To

1. The Tahsildhar
Coimbatore (North), Coimbatore Taluk
Coimbatore District.



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N.ANAND VENKATESH, J.

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