

W.P.(MD)No.12041 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2025

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THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.12041 of 2025

and

W.M.P.(MD)Nos.8861 & 8863 of 2025

C.Christopher

: Petitioners

Vs.

1. The District Collector,
Tirunelveli,
Tirunelveli District.

2. The Assistant Director,
District Survey Office,
Tirunelveli,
Tirunelveli District.

3. The Tashildhar
Palayamkottai,
Tirunelveli,
Tirunelveli District.

4. The Assistant Commissioner,
HR and CE Department,
Tirunelveli,
Tirunelveli District.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records related to the impugned proceedings of the 3rd respondent dated 18.03.2025 in Na.Ka.Aa7/1677/2025 and quash the same and direct the respondents to make necessary correction in the revenue records in respect of petitioners land admeasuring 0.60 cents situated in T.S Ward BJ, Block 23 in Town Survey No. 2004 of Marayavar Street, Murugankuruchi, Palayamkottai Taluk, Palayamkottai District.

For Petitioners : Mr.N.Dilipkumar

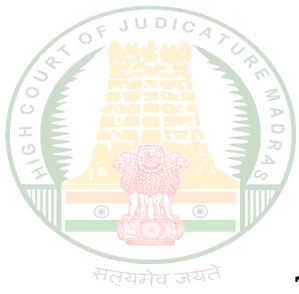
For Respondents : Mr.M.Lingadurai

Special Government Pleader

ORDER

Heard Mr.N.Dilip Kumar, learned Counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents.

2.The grievance of the petitioner is that the third respondent has passed the order which is challenged in the present Writ Petition in Na.Ka.Aa7/1677/2025 dated 18.03.2025, giving predominance to revenue records over registered title documents.



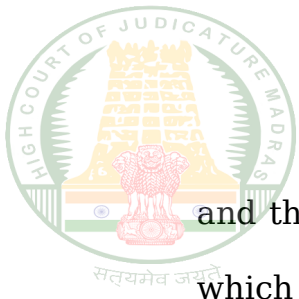
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3. Learned Counsel would also invite my attention to the no objection given by the temple authorities with regard to possession and enjoyment of the lands to the writ petitioner. However, the petitioner Counsel would further submit that the petitioner has already approached the competent Civil Court in O.S.No.111 of 2025 and the said suit for declaration and permanent injunction is pending before the Sub-Court, Tirunelveli, where the HR & CE Department is also a party defendant. Learned Counsel would therefore, seek for the impugned order being set aside.

4. Per contra, learned Special Government Pleader would submit that even according to the petitioner's title documents tracing way back to 1935, the property has always been treated as the property of the temple and the Government alone had paramount right over the same. He would submit that since a suit has been filed by the petitioner, the petitioner can work out his remedies before the Civil Court, instead of agitating the issue before the revenue authorities.

5. In a way, the argument of the learned Counsel for the petitioner and the learned Special Government Pleader is that the competent civil Court alone can go into the complex questions of title



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and the revenue authorities ought not to have decided factual issues which are involving complicated facts regarding title and possession. However, the third respondent on the application of the petitioner himself has passed an order and therefore, the petitioner has only invited trouble by approaching the third respondent.

6.Considering the fact that the petitioner has now approached the competent Civil Court, it would be just and proper to keep the impugned order in abeyance and the competent Civil Court shall independently decide the issues that are being agitated in O.S.No.111 of 2025, in which the petitioner, the HR & CE Department as well as the revenue authorities are parties and will naturally, the verdict will bind the parties and subject to the outcome of the suit, necessary mutation can be given effect to.

7.Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

25.04.2025

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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P.B.BALAJI., J.

MR

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