In the High Court of Judicature at Madras

Reserved on	Delivered on :
04.3.2025	**10.3.2025**

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition Nos.11727 of 2018 & 10143 of 2020
& WMP.Nos.13697 of 2018 & 17269 of 2020

WP.No.11727 of 2018 :

1.P.Thirugnanam
2.R.Rajavel ...Petitioners

Vs

1.The District Revenue Officer,
Namakkal, Namakkal District.

2.The Tahsildar, Tiruchengode
Taluk, Namakkal District.

3.S.Krishnan,
Assistant Commissioner,
Hindu Religious & Charitable
Endowment Department,
Namakkal.

4.A.Radhakrishnan,
Founder & Chairman,
Thiruthondargal Sabai,
Chennai-8. ...Respondents

WP.No.10143 of 2020 :

A.Radhakrishnan ...Petitioner

Vs

1.The Secretary to Government
Revenue Department,
Secretariat, Chennai-9.

2.The Secretary to Government
Home Department
Secretariat, Chennai-9.

3.The Secretary to Government
Tourism & Culture Endowments
Department, Secretariat,
Chennai-9.

4.The Commissioner of Revenue
Administration, Chepauk,
Chennai-9.

5.The Commissioner of Land
Administration, Chepauk,
Chennai-5.

6.The Director of Survey &
Settlements, Chepauk,
Chennai-5.

7.The Commissioner, Hindu
Religious & Charitable Endowments
Department, No.119,
Nungambakkam High Road
Chennai-34.

8.The Director General of Police,
Kamarajar Salai, Chennai-4.

9.The District Collector, Namakkal.

10.The Inspector of Police
West Region, Coimbatore

11.The Regional Deputy Director
of Survey and Land Records,
Collectorate Compus, Coimbatore.

12.The Deputy Inspector of Registration
3rd Floor, Collectorate Campus,
Salem.

13.The Regional Joint Director of
Municipal Administration
Sathiram, Salem-9.

14.The Superintending Engineer
Tamil Nadu Electricity Generation
& Distribution of Corporation,
Namakkal

15.The Assistant Director, Town &
Country Planning Department,
Namakkal.

16.The Tahsildar, Trichengode
Namakkal District.

17.The Joint Commissioner, Hindu
Religious & Charitable Endowments
Department

18.The Assistant Commissioner, Hindu
Religious & Charitable Endowments
Department, Namakkal.

19.The Present Administrator
Arulmigu Mariamman Group Temples

Sattaiyampudur, Tiruchengode Taluk
Namakkal District.

(**R1 to R6, R8 to 10 & R12 to R15 deleted from the array of respondents, holding that they are not necessary parties, vide order dated 06.8.2020 by NAVJ)** ...Respondents

PETITIONS under Article 226 of The Constitution of India praying for the issuance of

(i) a Writ of Certiorarified Mandamus to call for the records relating to the impugned order Ni.Mu.21632/2016/01 dated 06.4.2018 passed by the 1st respondent, quash the same and consequently forbear the respondents from interfering with the petitioners' right to property and shelter in and over the property measuring 3.60 acres comprised in TSLR.Nos.21 to 24, 31, 32 & 35 corresponding to New S.No.50/3 (Old Survey Nos.320/1 & 3), Sattaiyampudhur, Thiruchengode Village, Namakkal District (WP.No.11727 of 2018); and

(ii) a Writ of Mandamus directing the 11th respondent to conduct field survey in respect of the properties in Survey Nos.50/3, 56/1 and 75/2 to an extent of 3-60.0, 1-32.0 and 0-80.0 hectares at Sattaiyampudur Village, Tiruchengode Taluk, Namkkal District on the basis of the Chalan dated 13.7.2020 and represented dated 13.7.2020 and consequentially issue further direction to the other respondents to co-operate and assist for field survey to the 11th respondent (WP.No.10143 of 2020).

For Petitioners in WP.No.11727 of 2018	:	Mr.N.Manokaran
Petitioner in WP.No.10143 of 2020 & R4 in WP.No.11727 of 2018	:	Party appearing in person
For R1 & R2 in WP.No.11727 of 2018 & For R11 & R16 in WP.No.10143 of 2020	:	Mr.M.R.Gokul Krishnan, AGP
For R3 in WP.No.11727 of 2018 & For R7, R17 & R18 in WP.No.10143 of 2020	:	Mr.S.Ravichandran, AGP (HR & CE)
For R19 in WP.No.10143 of 2020	:	Mr.N.Manokaran

COMMON ORDER

W.P.No.11727 of 2018 has been filed challenging the proceedings of the first respondent dated 06.4.2018 and to forbear the respondents from interfering with the peaceful possession and enjoyment of the petitioners in respect of the property measuring 3.60

acres comprised in TSLR.Nos.21 to 24, 31, 32 & 35 corresponding to New S.No.50/3 (Old Survey Nos.320/1 & 3), Sattaiyampudhur, Thiruchengode Village, Namakkal District.

2. W.P.No.10143 of 2020 has been filed by petitioner, who is none other than the fourth respondent in W.P.No.11727 of 2018, seeking for the issuance of a Writ of Mandamus directing the 11th respondent namely the the Regional Deputy Director of Survey & Land Records, Coimbatore to conduct a survey with respect to the properties in Survey Nos.50/3, 56/1 and 75/2 to an extent of 3-60.0, 1-32.0 and 0-80.0 hectares in the same village based on his application dated 13.7.2020.

3. For the sake of convenience, the parties will be referred to as arrayed in W.P.No.11727 of 2018, which is the first writ petition.

4. Heard the respective counsel appearing for both parties.

5. The facts leading to filing of these writ petitions are as follows:

(i) The petitioners were the Nattamaikarars of Sattaiyampudhur Sengundhar community at Pavadi Panchayat, Thiruchengode for the period from 2013 to 2016. The subject property was purchased by the ancestors of their community under two sale deeds dated 09.3.1896 and 21.6.1910. The entire extent of the subject property was purchased in order to use as a Pavadi for the Sengundhar community people during the course of their weaving work and for residential purposes.

(ii) The then Nattamaikkarars also purchased 2.38 acres in old S.No.320 through a sale deed dated 09.3.1986. Similarly, one Karuppa Mudali and four others purchased the lands measuring (i) 2.76 acres in old S.No.320/1 and (ii) 19 cents in old S.No.320/3, vide sale deed dated 21.6.1910. Later, the Pavadi Panchayat took a decision to permit each and every individual weaving family belonging to the said community to put up a house in the subject property. Further, the Pavadi Panchayat had also gifted a considerable portion of the subject property for public purposes vide gift deeds dated 29.5.2002, 04.2.2003 and 08.3.2012 where a combined complex for washing cloths, bathrooms and toilets for men and women, an anganwadi centre and a public library have also been constructed after the

Tiruchengode Municipality took over possession of the gifted property.

(iii) Thereafter, the persons belonging to the said community, who had put up a construction, approached the second respondent namely the Tahsildar, Tiruchengode for the grant of patta to them in the respective portions under their occupation. Pursuant to the application made, an inspection was conducted and a report was submitted. Based on that, the second respondent issued the proceedings dated 23.10.2015 granting patta in the names of the individuals in the respective lands under their occupation. Out of the total extent of 3.60 acres in New S.No.50/3, an extent of 2.14 acres was utilized for construction in the form of houses, library and marriage hall and the remaining extent of 1.46 acres was kept vacant for playground, road, etc.

(iv) The fourth respondent gave a petition for appointment of a fit person for Arulmighu Mariyamman and Muthukumaraswamy Temples at Sattaiyampudhur unmindful of the scheme that was framed in O.A.No.34 of 1992 as per the order dated 13.10.2004 passed by the Joint Commissioner, Hindu Religious and Charitable Endowment (HR & CE) Department, Salem. Thereafter, the Executive Officer of Arulmighu Kandhaswamy Temple, Kalippatti was appointed as the Thakkar of

Arulmighu Mariyamman and Muthukumaraswamy Temples at Sattaiyampudhur vide proceedings of the 18th respondent dated 12.11.2013.

(v) The same was put to challenge by one Mr.S.Ekambaram, who is none other than the then Nattamaikarar, by filing W.P.No. 32768 of 2013 before this Court. The fourth respondent sent a complaint also to the Chief Minister's cell dated 31.10.2013 alleging that the subject matter in New S.No.50/3 measuring 3.60 acres is a temple land. The complaint sent to the Chief Minister's Cell was forwarded to the third respondent, who issued a notice dated 13.2.2014 to the Administrative Officer of Mariyamman and Muthukumaraswamy Temples at Sattaiyampudhur calling upon him to appear for an inquiry. On receipt of the said notice, a reply dated 21.2.2014 was given through a counsel and a representative also appeared for the inquiry.

(vi) The first respondent also issued an inquiry notice dated 18.10.21016 to the Nattamaikarars of Sattaiyampudhur Sengundhar Community, Pavadi Panchayat calling upon them to appear for the inquiry and submit their objections, if any, and to show cause as to why the order passed by the second respondent dated 23.10.2015 granting patta in the names of the individuals should not be cancelled, based on the complaint dated 18.8.2016 given by respondents 3 and 4. Ultimately, the first respondent, through the proceedings dated 06.4.2018, cancelled the order passed by the second respondent dated 23.10.2015 and directed the Special Tahsildar, Urban Land Tax, Tiruchengode to issue the patta in the names of various temples and to mutate the revenue records. Aggrieved by that, W.P.No.11727 of 2018 has been filed.

(vii) The fourth respondent filed W.P.No.10143 of 2020 seeking to direct the 11th respondent to conduct a survey in respect of the properties in Survey Nos.50/3, 56/1 and 75/2 to an extent of 3-60.0, 1-32.0 and 0-80.0 hectares at Sattaiyampudur Village, Tiruchengode Taluk, Namkkal District based on his application dated 13.7.2020.

6. W.P.No.10143 of 2020 was disposed of by order dated 03.9.2020 by directing the Tahsildar, Tiruchengode to act upon the said representation made by the fourth respondent, conduct a field survey in respect of the said properties and submit a report to the Joint Commissioner, HR & CE Department, Salem-1, who, in turn, was directed to remove the encroachments on receipt of the report.

7. After the said order dated 03.9.2020, the 19th respondent in W.P.No.10143 of 2020 namely the Present Administrator, Arulmighu Mariyamman Group of Temples, Sattaiyampudhur, Tiruchengode Taluk filed WMP.Nos.17268 and 17269 of 2020 seeking (i) to recall and (ii) to stay the said order dated 03.9.2020 in W.P.No.10143 of 2020 on the ground that certain vital facts were not brought to the notice of this Court and that the pendency of W.P.No.11727 of 2018 was not taken into consideration.

8. W.M.P.No.17268 of 2020 was allowed by this Court by order dated 06.8.2024 and W.P.No.10143 of 2020 was restored to the file of this Court to hear the case on merits along with W.P.No.11727 of 2018. Accordingly, W.P.No.10143 of 2020 was also heard once again along with W.P.No.11727 of 2018.

9. The first respondent, while disposing of the said representation of respondents 3 and 4 dated 18.8.2016, has taken note of the fact that the pattas in Patta Nos.48 and 49 for old S.No. 50/3 stood in the names of Kaliyamman temple, Pudhur Mariyamman temple and Kallanguthu Muniyappan temple and that these entries

made in the revenue records were not taken into consideration by the Tahsildar, Tiruchengode while passing the order dated 23.10.2015.

10. Surprisingly, the Tahsildar, Tiruchengode, who passed the order dated 23.10.2015, has been addressed by his name in many portions of the impugned order and the first respondent has not chosen to even take into consideration the orders passed by the other two Tahsildars dated 31.7.2008 and 19.8.2016 whereby similar orders were passed by transferring the patta in the names of the individuals. The first respondent had merely targeted the Tahsildar, who passed the order dated 23.10.2015.

11. The petitioners had placed specific reliance upon the earlier sale deeds dated 09.3.1896 and 21.6.1910 while tracing their title. The first respondent, while dealing with the issue, held that the Tahsildar, who passed the order dated 23.10.2015, did not ascertain as to whether the properties mentioned in those sale deeds were correlated with the properties, for which, the patta was issued in the names of the individuals. The first respondent ultimately came to the conclusion that even though the property was in possession of the

persons belonging to the said community, the revenue records were standing in the names of the temples and that therefore, the individuals belonging to the said community were not entitled to the grant of patta in their individual names.

12. Based on the materials placed before this Court, the survey numbers that were purchased under the sale deeds dated 09.3.1896 and 21.6.1910 tallied with New S.No.50/3 in the old settlement register dated 08.10.1937 prepared by the Assistant Settlement Officer, Salem. However, in Column 11 of the settlement register, it has been mentioned as "Pudhur Mariyamman". This entry has actually created the problem and it was contended that the said entry runs contrary to the sale deeds dated 09.3.1896 and 21.6.1910.

13. In short, the dispute is between the title documents relied upon by the petitioners and the revenue records that stood in the names of the temples. It, therefore, touches upon the right and title over the subject property. The subject property was actually in the possession of persons belonging to the said community and they have put up several constructions. The complaint made by the fourth

respondent does not pertain to his individual claim. But, he made a claim on behalf of the temple.

14. As stated supra, the target of the first respondent was only against one Tahsildar, who has been named in various places, in the impugned order whereas the other two proceedings of the Tahsildars where patta was granted, were not touched by the first respondent. The proceedings of the first respondent went against the petitioners and others, in whose names, the patta stood since the first respondent came to the conclusion that originally, the revenue records stood in the names of the temples and that subsequently, they were transferred in the names of the private individuals without the temples being put on notice. That apart, the first respondent has also gone into the right and title in respect of the subject property while cancelling the patta granted in favour of the private individuals.

15. The scope of inquiry by the Revenue Authorities with respect to the disputed questions of fact and the title dispute involved in a case were dealt with by a Division Bench of this Court in the case of ***Vishwas Footwear Company Ltd. Vs. District Collector,***

Kancheepuram [reported in 2011 (5) CTC 94]. The relevant portions in the said judgment are extracted as hereunder :

> *"14. Keeping the above in mind, the issue is to be considered. The Writ Appeal raises two important questions. Firstly, whether the Revenue Divisional Officer would be competent to go into the disputed question of title while considering the Application for cancellation of patta. In fact, the law on this is not res integra. As early as in the year 1995, a Division Bench of this Court in Kuppuswami Nainar v. The District Revenue Officer, Thiruvannamalai, 1995 (1) MLJ 426 has observed as follows:*
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> *"3. No provision is brought to our notice in the Standing Orders of the Board of Revenue taking away the jurisdiction of the Civil Court to adjudicate upon the question of title relating to immovable property. Revenue Officers in a Patta proceeding may express their views on the question of title, but such expression of opinion or decision is not conclusive and it is only intended to support their decision for granting Patta. Ultimately, it is the Civil Court which has to adjudicate the question as to whether the person claiming Patta is the title holder of the land. Even if the Revenue Authorities decide the question of title, that will not in any way affect the jurisdiction*

of the Civil Court, which has to decide the question without reference to the decision of the Revenue Authorities.

4. Now the question for consideration is, having regard to the fact that the District Revenue Officer has expressed his opinion on the question of title, whether the order under question should be interfered with. It may be pointed out here that in a Petition under Article 226 of the Constitution, the question of title regarding immovable property cannot properly be gone into, because a mass of evidence may be required for adjudicating the question of title. Even if we are to interfere with the order under Appeal, it is the other party, who has to go to a Civil Court and establish title. As far as the exercise of jurisdiction under Article 226 of the Constitution is concerned, it does not matter to it whether "A" party goes to Civil Court or "B" party. Therefore, we are of the view that the question of title has to be decided by the Civil Court without reference to the order under question. Hence, we decline to interfere with the order challenged in the Writ Petition. However, we make it clear that in the event a Suit for declaration of title and for appropriate consequential relief is filed, the Civil Court shall decide such a Suit, without reference to the findings recorded by Respondents 1 and 2 in the *impugned orders, but only on the basis of the pleadings of the parties and evidence adduced by them before it. We also make it clear that any opinion expressed by the learned Single Judge, contrary to what we have stated above, shall also stand modified accordingly. With these observations, the Writ Appeal is dismissed. Consequently, C.M.P. No. 15872 of 1994 filed along with the Appeal is also dismissed."*

15. Following the said judgment, one of us (D. Murugesan, J.) in Chockkappan's case has held that the Revenue Divisional Officer has no jurisdiction to go into the disputed questions of title at the time when an Application for cancellation of Patta is being considered. As far as this law is concerned, there cannot be a second opinion as to the limited jurisdiction of the Revenue Divisional Officer only to find out prima facie as to the title and when the title is in dispute and there are rival claimants, he should refer the parties to Civil Court for adjudication and depending upon the decree that may be passed by the Civil Court, relevant entries in the Patta could be effected by the Revenue Divisional Officer.

16. Mr. T.M. Hariharan, learned Counsel for the Appellant would submit that the Revenue Divisional Officer has erred in deciding the title for the purpose of cancelling the Patta granted in *favour of the Appellant. On the other hand, Mr. P. Wilson, learned Senior Counsel for the Fourth Respondent would submit that the Writ Petition itself is not maintainable since the Writ Court cannot go into the disputed questions of fact, particularly when the title is in dispute and therefore the Writ Petition has been rightly dismissed by the learned Judge by directing the Appellant to avail the remedy of Appeal.*

17. The question as to whether the Revenue Authorities be it the Tahsildar exercising power under Section 3 or under Section 5 or under Section 10 or the Revenue Divisional Officer exercising power under Section 12, can consider only a prima facie case as to the entitlement of a person or persons for issuance of Patta. In the event such officers encounter a dispute which could be resolved only by a competent Civil Court, they would not have jurisdiction to enter into such Civil dispute for adjudication. To this extent, the judgments in Kuppuswami Nainar's case followed in Chockkappan's case may be relied upon. The learned Judge in the order under Appeal has also relied upon those judgments and we are in agreement with the same.

18. As far as the power of this Court to entertain a Writ Petition on disputed questions, we may refer to the following decisions of the

Supreme Court in Arya Vysya Sabha v. The Commissioner of Hindu Charitable and Religious Institutions & Endowments, Hyderabad, 1976 (1) SCC 292; Rourkela Shramik Sangh v. Steel Authority of India Ltd., 2003 (4) SCC 317; and Himmat Singh v. State of Haryana, 2006 (9) SCC 256. Therefore, when disputed questions are involved, this Court will not entertain the Writ Petition and adjudicate upon such dispute, as it is for the parties to approach the Civil Court to decide the issue. However, in the event the order challenged in the Writ Petition is questioned on the ground of want of jurisdiction, certainly this Court would entertain the Writ Petition and particularly when such an order was passed when effective remedy is available before a Civil Court for a person or persons who seek for cancellation of Patta. As already pointed out, though the Fourth Respondent has filed Appeal to the Revenue Divisional Officer seeking for cancellation of Patta, in view of the fact that the Revenue Divisional Officer cannot go into the Civil dispute, his order cancelling the Patta by deciding the disputed question of title is without jurisdiction. In this context, we may refer to the Proviso to Section 14 of the Act which bars the Suit. The Proviso reads that if any person is aggrieved as to any right of which he is in possession by an entry made in the

Patta Pass Book under this Act, he may institute a Suit against any person denying or interested to deny his title to such right of declaration of his right under Chapter VI of the Specific Relief Act and the entry in the Patta Pass Book shall be amended in accordance with any such declaration. By that Proviso, in the event any grievance is made by the Fourth Respondent over the Patta granted to the Appellant, he should have approached the Civil Court for necessary orders. In the event the Revenue Divisional Officer had no jurisdiction to go into the disputed question of title and in spite of that fact if he decides the same, on the very same yardstick, the further remedy is only a Revision under Section 13 of the Act which is limited to calling for and examining the records of either the Tahsildar or the Appellate Authority by the District Revenue Officer and such Revisional power cannot be equated to Appellate power. Hence, the contention of the Fourth Respondent that the Appellant has got an effective remedy of Appeal and without availing such remedy cannot file the Writ Petition, has no merit. Accordingly, the said contention is rejected.

19. Nevertheless, the core question involved in the Writ Petition is as to whether in the given facts and circumstances of the case, it could be entertained in the event Patta has been granted in *favour of a particular individual. On the strength of the title or possession, if any other person makes an Application to the Revenue Divisional Officer for cancellation of that Patta and in the event both the individuals claim title over the property, the Revenue Divisional Officer cannot adjudicate such disputed questions and accepting the case of the other person, he cannot cancel the Patta. The right course to be adopted by the Revenue Divisional Officer in such case is only to refer the Applicant who has come before him seeking for cancellation of Patta to Civil Court, especially when his claim is disputed by the individual who is holding the Patta granted by the Competent Authority. In the event the Revenue Divisional Officer by exceeding his jurisdiction decides the question of title and cancels the Patta, certainly the aggrieved person can approach this Court by way of a Writ Petition on the ground that the Revenue Divisional Officer was not competent to go into the title. The question of alternative remedy is not available to the aggrieved person as for the very same reason the District Collector also cannot go into the disputed question regarding the title or possession, as the case may be, in the event an Appeal is filed."*

16. The Division Bench of this Court held that the Revenue Authorities cannot go into the disputed questions of fact nor can render findings on the question of title and if the same is done, such order becomes illegal since it is beyond the scope of the Patta Passbook Act and the Rules framed thereunder.

17. In the case in hand, the petitioners are specifically placing reliance upon the title documents of the years 1896 and 1910. When that being so, the dispute actually pertains to the title of the persons belonging to the said community, for whose benefit, the subject property was purchased. If the temples are claiming right over the subject property, they have to necessarily approach the competent civil court and establish their right. The fact that the patta, for a particular period of time, stood in the names of the temples, by itself, will not take away the right of the individuals, who purchased the same and who traced their title based on the documents of the years 1896 and 1910.

18. At the risk of repetition, this Court holds that the impugned order passed by the first respondent only targets one of the Tahsildars

namely Mr.R.Kuppusamy, who issued the proceedings dated 23.10.2015 whereas the other two proceedings of the Tahsildars namely one Mr.K.Rangarajan dated 31.7.2008 and one Mr.N.Rathinam dated 19.8.2016 remained untouched. There is no reason assigned in the impugned order as to why the orders dated 31.7.2008 and 19.8.2016 were not interfered/reversed by the first respondent.

19. For all the foregoing reasons, this Court holds that the first respondent ought to have relegated the parties before the competent civil court since the dispute touches upon the right and title over the subject property. Instead, the first respondent ventured to go into the right and title, which is beyond the scope of the Patta Passbook Act as was held by the Division Bench of this Court in the decision in the case of ***Vishwas Footwear Company Ltd.***

20. Accordingly, W.P.No.11727 of 2018 stands allowed and the proceedings of the first respondent dated 06.4.2018 is hereby quashed. There shall be a direction to the second respondent namely the Tahsildar, Tiruchengode to restore the patta to its original position in the names of the respective individuals within a period of four weeks

from the date of receipt of a copy of this order. It will be left open to the temples to approach the competent civil court to establish their right and title over the subject property. In such an event, none of the orders including the present order will have a bearing and it will be considered on merits and in accordance with law by the concerned civil court. Consequently, WMP.No.13697 of 2018 is closed. As a consequence, WP.No.10143 of 2020 is dismissed. WMP.No.17269 of 2020 is also dismissed. No costs.

10.3.2025

To
1.The District Revenue Officer,
Namakkal, Namakkal District.

2.The Commissioner, Hindu
Religious & Charitable Endowments
Department, No.119,
Nungambakkam High Road
Chennai-34.

3.The Regional Deputy Director
of Survey and Land Records,
Collectorate Compus, Coimbatore.

4.The Tahsildar, Tiruchengode
Namakkal District.

5.The Joint Commissioner, Hindu
Religious & Charitable Endowments
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6.The Assistant Commissioner, Hindu
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Department, Namakkal.

7.The Present Administrator
Arulmigu Mariamman Group Temples
Sattaiyampudur, Tiruchengode Taluk
Namakkal District.

RS

N.ANAND VENKATESH,J

RS

W.P.Nos.11727 of 2018
& 10143 of 2020 &
WMP.Nos.13697 of 2018
& 17269 of 2020

10.3.2025