

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.02.2018

C O R A M

THE HON'BLE Mr.JUSTICE K. RAVICHANDRABAABU

W.P.No.23379 of 2016

S.Chithra

...Petitioner

vs

1. The Tahsildar,
Office of Chengalpattu Taluk,
Chengalpattu,
Kancheepuram District.
2. The Executive Officer,
Sri Padaladhri Narisimha Perumal Temple,
Singaperumal Koil,
Kancheepuram District.

...Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus to direct the first respondent to issue patta in favour of the petitioner in respect of land situated in punjai Survey No.3A2 to an extent of 1767 sq.ft. in Bharathiyaar Street, Singaperumal Koil, Chengalpattu Taluk, Kancheepuram District as per the representation of the petitioner dated 20.03.2016.

For petitioner : Mr.M.Raja Sekhar

For Respondents : Mr.R.Govindasamy for R1
Special Government Pleader
Mr.AK.Sriram for R2

O R D E R

The petitioner seeks for a mandamus directing the first respondent to issue patta in respect of the subject matter land based on his representation dated 20.03.2016.

2.According to the petitioner, she has purchased the property from her vendor in the year 1952 and such purchase is legally valid.

3.On the other hand, the learned counsel Mr.Sriram appearing for the second respondent temple submits that the temple has serious objection against the grant of patta in favour of the petitioner and therefore, the temple should also be heard by the first respondent before taking any decision.

4.Though the learned counsel for the petitioner sought to contend before this Court to justify that the purchase by the petitioner from her vendor is legally valid, this Court, at this stage, is not inclined to go into all such contentions, as it is for the first respondent to consider and decide the same after hearing both parties and perusing the material documents produced by both sides. Needless to state that the first respondent cannot decide the title and however, while considering the request for issuing patta, certainly the first respondent has to verify the documents produced by both sides to find out as to whether the claim made by the petitioner for grant of patta is justifiable or not. Therefore, it is for the petitioner as well as the second respondent to place all the material facts and documents before the first respondent, who in turn will consider those rival claims and pass appropriate orders on merits and in accordance with law. Accordingly, this writ petition is disposed of, without expressing any view on the merits of the matter only with a direction to the first respondent to consider the claim of the petitioner dated 20.03.2016 for issuance of patta and pass orders on the same on merits and in accordance with law, after giving due opportunity of hearing to the petitioner as well as the second respondent. Such exercise shall be done by the first respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vri

To

1. The Tahsildar,
Office of Chengalpattu Taluk,
Chengalpattu,
Kancheepuram District.

WEB COPY

2. The Executive Officer,
Sri Padaladhri Narisimha Perumal Temple,
Singaperumal Koil,
Kancheepuram District.

+1cc to the Government Pleader, S.R.No. 8717

W.P.No.23379 of 2016

SSI (CO)
CS/13/02/18



WEB COPY