

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:21.11.2019

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.29226 of 2019

Arulmighu Krishnan Thirukoil @
Arulmighu Vadamadura Kannan Thirukoil,
Rep.by its Fit Person,
Postal Colony,
West Mambalam,
Chennai 600 033.

.. Petitioner

/versus/

The Tahsildar,
Mambalam-Guindy Taluk,
K.K.Nagar,
Chennai 600 078.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent herein to conduct an enquiry based on the representation dated 25.07.2019 and 27.08.2019.

For Petitioner :Mr.A.S.Kailasam

For Respondent :Mr.N.Inbanathan, AGP

ORDER

This writ petition has been filed seeking Writ of Mandamus directing the respondent herein to conduct an enquiry based on the representation dated 25.07.2019 and 27.08.2019.

2.The Executive Officer of Arulmighu Balasubramania Swamy Thirukoil, West Mambalam, has filed this writ petition, aggrieved by non-consideration of his representations dated 25.07.2019 and 27.08.2019 seeking cancellation of patta illegally and fraudulently issued in favour of Bhuvaneswari and Revathi, without referring to the deed of Declaration of Trust

dated 31.07.1975 bestowing the property in the name of the petitioner's temple by one Sundaram Pillai.

3.After notice, the learned Additional Government Pleader appearing for the respondent submitted before this Court that the representations of the petitioner was taken up for consideration and after enquiry, the error crept in the revenue record in Town Survey Land Register has been rectified and patta has now been restored in the name of Sundaram Pillai, S/o Raju Pillai.

4. In the counter, the respondent has stated as below:

"In response to the said petition filed by the petitioner temple, the property involved in this writ petition was inspected by the Sub Inspector of Survey of this office and the Sub Inspector of Survey has reported that the property involved in this writ petition is comprised in Kodambakkam-Part II Town, Block No.43 and T.S.No.88. A perusal of the Town Survey Land Records under maintenance of this office shows that the said land stands registered in the said Register as follows:

Description	As per entries available before rectification	As per entries available after rectification
Village	Kodambakkam Part II	Kodambakkam Part II
Block No.	43	43
Town Survey No.	88	88
Classification	Ryotwari manai	Ryotwari Manai
Extent	Hec.Ares sq.metres 00 03 30.5	Hec. Ares. Sq. metres 00 03 30.5
Adangal	Bhuvaneswari and Revathi daughters of Sundaram Pillai	Sundaram Pillai son of Raju Pillai
How the holding is utilised?	Maadi	Maadi

As such a perusal of the records shows that though the said field was changed in the name of Tvl.Bhuvaneswari and Revathi daughters of Sundaram Pillai, in this office file 2019/0153/02/004161 TR dated 20.06.2019 based on an application for Transfer of Registry from the said individuals and by misrepresentation of facts. But, the said error was rectified subsequently based on the complaint received from the petitioner temple and based on a consent from Tvl.Bhuvaneswari and Revathi in this office file 2019/0153/004161TR dated 20.06.2019. Hence, as of now, the said land stands restored in the name of Thiru.Sundaram Pillai son of Raju Pillai."

5. The Certificate Extract from the Town Survey Land Register pertaining to S.No.88, Block No.0043, Postal Colony, 3rd Street in Old S.No.178/2PT, Municipal Door No.43/2 presently stands in the name of Sundaram Pillai, S/o Raju Pillai, after rectification of the error found in the revenue record.

6. In the light of the above fact, nothing survives in this writ petition. Hence, this writ petition is dismissed as infructuous. No costs.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

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To:

The Tahsildar,
Mambalam-Guindy Taluk,
K.K.Nagar,
Chennai 600 078.

+1 cc to M/s.A.S.Kailasam Associates sr96948
+1 cc to the government Pleader sr97567

W.P.No.29226 of 2019

aa26/12/2019