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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.11899 OF 2011

AND

M.P.NO.2 OF 2011

K.Sasi Devi

... Petitioner

.Vs.

1. The District Collector,  
Villupuram District.
2. The District Revenue Officer,  
Villupuram District.
3. The Revenue Divisional Office,  
Villupuram District.
4. The Tahsildar,  
Villupuram District.
5. Bangarusamy Chettiar
6. Mani Chettiar  
[R-5 & R-6 are impleaded  
as per order dated 23.09.2015  
in M.P.No.1 of 2015 in  
W.P.No.11899 of 2011]

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records of the fourth respondent's proceedings in Na.Ka.No.A2/11118/2008 dated 12.02.2009 and to quash the same and further direct the respondents to allot the said plot and grant patta in favour of the petitioner for the land in S.No.9/1 Panna Malai, Mathura Mettupalayam Village measuring an extent of 1800 sq.ft or 2.05 ares.

For Petitioner : Mr.M.Baskar

For Respondents : Mr.M.R.Gokul Krishnan  
Government Advocate  
(for R-1 to R-4)



## O R D E R

This petition has been filed seeking to quash the proceedings in Na.Ka.No.A2/11118/2008 dated 12.02.2009 on the file of the fourth respondent and further direct the respondents to allot the said plot and grant patta in favour of the petitioner for the land in S.No.9/1 Panna Malai, Mathura Mettupalayam Village measuring an extent of 1800 sq.ft or 2.05 ares.

2. Heard Mr.M.Baskar, learned Counsel appearing for the petitioner and Mr.M.R.Gokul Krishnan, learned Government Advocate appearing for the first to fourth respondents.

3. The case of the petitioner is that the petitioner is in possession and enjoyment of the property comprised in S.No.9/1, which has been classified as 'Natham'. Therefore, the petitioner applied for issuance of patta on 15.10.2007. It was rejected by an order dated 20.11.2007. The petitioner challenged the said order in W.P.No.20567 of 2008 before this Court and this Court quashed the said order and remanded the matter back to the fourth respondent for fresh consideration for the reason that the order does not even disclose the survey number or other required details. The fourth respondent was also directed to issue notice to the petitioner and conduct enquiry and pass orders on merits within a period of twelve weeks from the date of receipt of a copy of that order. Even in the year 1984, the fifth respondent viz., the Temple authority have filed a case before the Civil Court as against the petitioner and other occupants on the ground that they have paid rent and subsequently failed to pay any rent. Admittedly, the property in question belonged to the Temple called as Vinayagar Temple. On the strength of the Civil Court's decree, the fifth respondent also filed an Execution Petition for eviction. After the execution of the decree, whatever the construction that has been put up in the subject property, was demolished and possession had taken. However, as directed by this Court, the fourth respondent conducted the enquiry and dismissed the request for issuance of patta, made by the petitioner by the impugned order dated 12.02.2009.

4. Admittedly, the land in question belonged to Temple viz., Vinayagar Temple, represented by the fifth respondent herein. In the eviction proceedings, the petitioner was already evicted from the subject property and as such, the petitioner cannot claim any right over the property, since she herself admitted that she was a tenant under the Temple. The petitioner and others were lawfully evicted from the property belonging to the Temple and as such, after conducting re-enquiry and applying the



mind, the fourth respondent rightly rejected the claim of the petitioner. As such, this Court finds no infirmity or illegality in the order passed by the fourth respondent and this Writ Petition is devoid of merits and it is liable to be dismissed.

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5. In the result, this Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,  
Villupuram District.
2. The District Revenue Officer,  
Villupuram District.
3. The Revenue Divisional Office,  
Villupuram District.
4. The Tahsildar,  
Villupuram District.

+lcc to Mr.M.Baskar, Advocate, S.R.No.44141

+lcc to the Government Pleader, S.R.No.44282

W.P.NO.11899 OF 2011

KSM(CO)  
PBS/23/09/2021