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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.11343 of 2021

S. Elangovan

...Petitioner

Vs.

1.The Tahsildar,
Mylapore - Triplicane District,
Greenways Road,
Chennai - 600 028.

2.The Revenue Divisional Officer,
Guindy, Chennai - 32.

3.The Joint Commissioner,
HR and CE, Department II Zone,
Mylapore, Chennai.

4.The Assistant Commissioner,
HR & CE 127, Yadhawal Street, Padi,
Chennai - 600 050.

(R3 & R4 impleaded vide order dated
03.08.2021 made in WMP No.16435 of 2021
in W.P.No.11343 of 2021)

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to transfer the patta standing in the name of petitioner's ancestor Poosammal, the time being Trustee of Tiruveedi Amman Koil, 15/7, Mohammed Hussain Lane, Royapettah, Chennai 14, to the petitioner name in the same capacity as hereditary successor of Poosammal as the said Tiruveedi Amman Koil is maintained by the petitioner in terms of the 1st respondent Memorandum No.1211/TP dated 14.04.1920 of the Revenue Department issued by Land Record Tahsildar, Madras.

For Petitioner : Mr.S.Pojeganathan

For R1 & R2 : Mr.P.Baladhandayutham
Special Government Pleader

For R3 & R4 : Mr.Yashwanth
Additional Government Pleader
(HR & CE)



ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to transfer the patta standing in the name of petitioner's ancestor Poosammal, the time being Trustee of Tiruveedi Amman Koil, 15/7, Mohammed Hussain Lane, Royapettah, Chennai 14, to the petitioner name in the same capacity as hereditary successor of Poosammal as the said Tiruveedi Amman Koil is maintained by the petitioner in terms of the 1st respondent Memorandum No.1211/TP dated 14.04.1920 of the Revenue Department issued by Land Record Tahsildar, Madras.

2. Heard, Mr.S.Pojeganathan, learned counsel appearing for the petitioner, Mr.P.Baladhandayutham, learned Special Government Pleader appearing for the respondents 1 & 2 and Mr.Yashwanth, learned Additional Government Pleader (HR & CE) appearing for the respondents 3 & 4.

3. The case of the petitioner is that the petitioner and his family members are residing in old survey No.823 present survey No.1211/1, Door No.15/7, Mohammed Hussain Lane, Royapettah, Chennai, comprising an extent of 0.02.32.0 sq.mts. In the said property, the petitioner constructed a house in a portion of his share and is living there for the past several years. Therefore, the petitioner applied for transfer of patta standing in the name of the ancestor Poosammal as time being trustee for Tiruveedi Amman Koil at 15/7, Mohammed Hussain Lane, Royapettah, Chennai, who in turn informed the petitioner that upon producing the relevant documents in proof of title and possession, it will be considered. However, it was not considered as such, the petitioner filed this present writ petition.

4. Pending writ petition, the third respondent intervened the application for transfer of patta in favour of the petitioner. Therefore, the petitioner filed a petition before the third respondent for declaration that the Temple viz., Tiruveedi Amman Koil is a private one and he is one of the Trustee and it is pending.

5. Considering the above, the third respondent is directed to dispose of the application filed by the petitioner, after giving an opportunity of hearing to the petitioner and the counter parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order. Subject to the result of the said application, the petitioner is at liberty to make a fresh application before the first respondent for transfer of patta in respect of the subject property.



6. With the above direction, the writ petition is disposed of. No costs.

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//True Copy//

Sd/-

Assistant Registrar

Sub Assistant Registrar

Lpp

To

- 1.The Tahsildar,
Mylapore - Triplicane District,
Greenways Road,
Chennai - 600 028.
- 2.The Revenue Divisional Officer,
Guindy, Chennai - 32.
- 3.The Joint Commissioner,
HR and CE, Department II Zone,
Mylapore, Chennai.
- 4.The Assistant Commissioner,
HR & CE 127, Yadhawal Street, Padi,
Chennai - 600 050.

+3ccs to Mr.S.Pojeganathan, Advocate SR. No.64942
+1cc to Government Pleader, SR. No.64736

W.P.No.11343 of 2021

GSM (CO)
PR (28/01/2022)