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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.13031 of 2021

D.Kala ... Petitioner

-Vs-

1 The District Collector,
Kancheepuram District,
Kancheepuram.

2 The District Revenue Officer,
Kancheepuram District,
Kancheepuram.

3 The Tasildhar,
Sriperumbudur Taluk,
Kancheepuram District.

4 The Joint Commissioner,
H.R. and C.E, Kancheepuram.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 3rd respondent to cancel the patta in patta No. 723 in the name of Sri Arulmigu Selva Vinayagar Temple with respect to land in S. No. 274/11 at Nemili @ Karanthaangal Village, Sriperumbuthur Taluk, Kancheepuram District and issue patta in the name of the petitioner for the said and in S. No.274 / 11 at Nemili @ Karanthaangal Village, Sriperumbuthur Taluk, Kancheepuram District.

For Petitioner : Mr.J.Ravindran

For Respondent : Mr.Yogesh Kannadasan,
Government Advocate

O R D E R

(The case has been heard through video conference)

This Writ Petition has been filed seeking a direction directing the 3rd respondent to consider the petitioner's representation cancelling the patta issued in the name of Sri



Arulmigu Selva Vinayagar Temple in respect of land in Survey No.274/11 at Nemili @ Karanthaangal Village, Sriperumbuthur Taluk, Kancheepuram District and to issue a patta in the name of petitioner.

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2. According to the petitioner, he has purchased an extent of 14 cents in the above said survey number by means of registered sale deed on 18.10.2006. At the time of purchase, the revenue records stands in the name of his vendor and thereafter, the revenue records muted in the name of his father. However, during the UDR Scheme, a patta has been erroneously issued in favour of Sri Arulmigu Selva Vinayagar Temple. After coming to know about the same in the year 2007, the petitioner has submitted a representation to the 2nd respondent to make necessary correction in the Patta and issue a patta in the name of petitioner.

3. Thereafter, the petitioner has also approached 3rd respondent Tahsildar, in turn, the 3rd respondent has sent a communication to the 4th respondent, Joint Commissioner, H.R. and C.E., to verify whether the above said land belongs to the temple by proceedings No.Na.Ka.8741/A1, dated 25.03.2014. In response to the same, the 4th respondent Joint Commissioner, H.R. and C.E., by proceedings in Na.Ka.No.2784/2015/E1, dated 30.03.2015 has instructed the Assistant Commissioner, H.R. and C.E., to send a detailed report. Thereafter, the Assistant Commissioner, H.R. and C.E., Kancheepuram, by proceedings in Na.Ka.No.1578/2015/E2, dated 26.07.2016 has stated that the land is not belonging to Sri Arulmigu Selva Vinayagar Temple. Thereafter, once again, the petitioner has approached 3rd respondent Tahsildar to correct the patta. But, so far, his representation was not considered and no order has been passed on it. Hence, the present Writ Petition has been filed by the petitioner.

4. I have heard and considered the rival submissions made by learned counsel appearing for petitioner as well as Government Advocate appearing for respondents 1 to 3 and perused the records.

5. Considering the facts and circumstances, as already the Assistant Commissioner, H.R. and C.E., has clearly stated that the land is not belong to Sri Arulmigu Selva Vinayagar Temple, and the petitioner has also produced 'A' register and other revenue records and Patta issued in the name of her vendor, the 2nd respondent District Revenue Officer, is directed to consider the petitioner's representation seeking for issuance of patta in her name and pass suitable orders on merits in accordance with law after hearing the petitioner within a period of six weeks from the date of receipt of a copy of this order. The petitioner



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is also directed to appear before the 2nd Respondent District Revenue Officer and produce all the records relating to her title to the property. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpp

To

- 1 The District Collector,
Kancheepuram District,
Kancheepuram.
- 2 The District Revenue Officer,
Kancheepuram District,
Kancheepuram.
- 3 The Tasildhar,
Sriperumbudur Taluk,
Kancheepuram District.
- 4 The Joint Commissioner,
H.R. and C.E, Kancheepuram.

+lcc to Mr.J.Ravindran, Advocate, S.R.No.29276
+lcc to the Government Pleader, S.R.No.29171

W.P.No.13031 of 2021

PL(CO)
CB(16/07/2021)