



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No. 15693 of 2021

and

W.M.P.No. 16592 of 2021

Arulmigu Pravalavannar and
Pachaivannar Swamy Devasthanam,
Rep. by its Hereditary Trustee,
C.Adhilakshmi,
W/o. Balaji,
Residing at No.12A, Calender Street,
Kancheepuram.

...Petitioner

Vs.

1. The Commissioner,
Hindu Religious & Charitable Endowment,
Nungambakkam High Road, Nungambakkam,
Chennai - 600 034.
2. Joint Commissioner,
Hindu Religious & Charitable Endowment,
Admin Department,
Kanchipuram - 631 501.
3. The District Collector,
Kanchipuram District Collectorate,
Kanchipuram - 631 501.
4. The District Revenue Officer,
Kanchipuram District Collectorate,
Kanchipuram - 631 501.
5. The Revenue Divisional Officer,
Kanchipuram District Collectorate,
Kanchipuram - 631 501.
6. The Tahsildhar,
Taluk Officer Compound,
Kanchipuram 631 502.
7. The Commissioner,
Kanchipuram Municipality,
Annai Indira Gandhi Salai,
Kanchipuram - 631 502.

...Respondents



Prayer: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus to forbear the respondents 4 to 6 herein from issuing patta to anyone regarding the property situated at Calender Street in Vasantham Nagar the land bearing Survey No.1437/3 Door No.14F, 14E/2, E/3 admeasuring 1 acre 15 cents (0.46 Acres) and 0.05 cents in Vasantha Mandapam, Kanchipuram.

For Petitioner : Mr.S.Prabhu

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

ORDER

This writ petition has been filed for a mandamus to forbear the respondents 4 to 6 from issuing patta to anyone regarding the property situated at Calender Street in Vasantham Nagar, the land bearing the S.No.1437/3 Door No.14F, 14E/2, E/3 admeasuring 1 acre 15 cents (0.46 ares) and 0.05 cents in Vasantha Mandapam, Kanchipuram.

2.The case of the petitioner is that she is filing this petition in the capacity as Hereditary Trustee of Arulmigu Pravalavannar and Pachaivannar Swamy Devasthanam, Kanchipuram and her Hereditary Trusteeship has been acknowledged and approved by the then Joint Commissioner of H.R. & C.E. Admin Department, Vellore by its order passed in M.P.1/2003/B1/dated 30.10.2003, and the above temple listed temple and is under the purview of the first respondent herein.

3.The petitioner submits that ever since her appointment as Trustee, she has been looking after the administration of both temples and its properties, the said temple presiding deities are Arulmigu Pravalavannar and Pachaivannar Swamy and the temple is more than 1000 years century old one and the temple is one among 108 Vaishnavite Temples called Divyadesam and temple deities were offered Mangalasasanam by one of the Alwars viz., Thirumangai Alwar.

4.The petitioner further submits that this temple have number of properties as the same were earned by their ancestors and dedicated to temple from time immemorial and one such property is situated at Calender Street called Vasantham Nagar the land bearing S.No.1437/3 Door No.14F, 14E/2, E/3 admeasuring 1 acre 15 cents (0.46 ares) and 0.05 cents in Vasantha Mandapam, Kanchipuram.



5. According to the petitioner, there are more than 60 tenants are occupying in the above said land under the temple in terms of ground rent and as some of the tenants have not paid their rents regularly and due to their wrong usage of the property, the temple have filed eviction proceedings by filing cases before the District Munsif Court, Kanchipuram as well as before the Sub-Court, Kanchipuram, the same are pending for adjudication before the respective Courts and some of the tenants are regularly paying the rent to the temple as the temple is the absolute owner of the land and the Town Survey field extract is also denoting the temple only as the owner of the above property.

6. According to the petitioner, while the situation being stood as above, some of the tenants with evil intention to grab the temple property misrepresented to the respondents 6 and 7 herein that they are the owners of the said property and made applications to get patta in their names as if they are the owners of the said property, on coming to know the same, she has approached the respondents 6 and 7 herein and appraised the status of the temple lands and other particulars.

7. The petitioner submits that the officials of the sixth respondent along with the seventh respondent herein came to the above property and measured in part as preparatory work for issuing patta in favour of the miscreant tenants on the wrong information furnished by them and due to the above, she was forced to send a legal notice dated 04.07.2021 to the respondents 6 and 7 herein with a request not to change the Municipal records as well as not to issue patta to any one regarding the subject property, the same has been received by them but she has not provided with any reply from them rather she came to know at the behest of the miscreant tenants, the sixth respondent herein hastily taking actions to issue patta.

8. The petitioner further submits that the subject property belongs to the temple and presiding deity of the temple Sri Arulmigu Pravalavannar and Pachaivannar Swamy Devasthanam, Kanchipuram are the owners of the property and she has arrayed the first respondent and the second respondent herein as party since the temple is coming under them and against the miscreant tenants the temple has already taken legal recourse before the competent civil Court of law.

9. According to the petitioner, she apprehend that at the behest of the miscreant tenants, the sixth respondent if taken any action for issuance of patta, it will lead to multiplicity of proceedings and it has serious impact on the temple welfare and other proceedings.



10.The petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

11.Heard learned counsel for the petitioner and the learned Government Advocate for the respondents and perused the materials available on record.

12.In the view of the above facts and circumstances of the cases and considering the submissions made by the petitioner, this Court directs the concerned Authorities not to consider any application received from the third parties with regard to above survey numbers as it belongs to Sri Arulmigu Pravalavannar and Pachaivannar Swamy Devasthanam, Kanchipuram and the concerned Authorities are also directed to forbear issuance of patta to the third parties and it belongs to Sri Arulmigu Pravalavannar and Pachaivannar Swamy Devasthanam, Kanchipuram in any manner what so ever as the town survey register also reflects the temple alone is the owner of the property.

13.With the aforesaid direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

pam/skr

To

1. The Commissioner,
Hindu Religious & Charitable Endowment,
Nungambakkam High Road, Nungambakkam,
Chennai - 600 034.
2. Joint Commissioner,
Hindu Religious & Charitable Endowment,
Admin Department,
Kanchipuram - 631 501.
3. The District Collector,
Kanchipuram District Collectorate,
Kanchipuram - 631 501.



4. The District Revenue Officer,
Kanchipuram District Collectorate,
Kanchipuram - 631 501.

5. The Revenue Divisional Officer,
Kanchipuram District Collectorate,
Kanchipuram - 631 501.

6. The Tahsildhar,
Taluk Officer Compound,
Kanchipuram 631 502.

7. The Commissioner,
Kanchipuram Municipality,
Annai Indira Gandhi Salai,
Kanchipuram - 631 502.

+1cc to M/s.S.Prabhu, Advocate, S.R.No.52142

+1cc to the Government Pleader, S.R.No.52032

W.P.No.15693 of 2021

SRA(CO)
RGA(05/01/2022)