



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 06.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.11052 of 2014 and
M.P.No.1 of 2014

Arulmigu Thiru. Vateswarar thiru Koil
Thiru Vateswaran Pettai,
Triplicane,
Chennai - 600 005.

Represented by its Execute Officer ... Petitioner

-Vs-

1. The District Collector,
Collector Office,
Kanchipuram.

2. The Tahsildar
Taluk Office
Nanganallur,
Chennai - 600 061.

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to transfer patta for the lands of the petitioner situate in Pozhichalur Village S.No.78/1A Hc 0.12.5, S.No.78/1C Hc 0.11.5, S.No. 78/2C Hc 0.13.5, S.No.78/3C Hc 0.11.5.

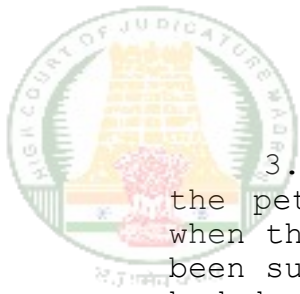
For Petitioner : Ms.Akshya
For Mr.P.Dinesh Kumar

For Respondents : Ms.Akila Rajendran - For RR1 & 2
Government Counsel

O R D E R

The prayer sought for herein is for a writ of Mandamus directing the respondents to transfer patta for the lands of the petitioner situated in Pozhichalur Village S.No.78/1A Hc 0.12.5, S.No.78/1C Hc 0.11.5, S.No. 78/2C Hc 0.13.5, S.No.78/3C Hc 0.11.5.

2. It is the case of the petitioner temple that, the petitioner temple is under the control of Hindu Religious and Charitable Endowments Department. It is the claim of the petitioner temple that, the petitioner is having lands at S.No.78 to the extent of 1.24 Cents at Pozhichalur Village.



3. The said land, according to the records available with the petitioner temple, belongs to the petitioner. However, when the land was inspected, it came to know that the land has been subdivided as S.No.78/1, 78/1C, 78/2C and 78/3C and patta had been to four individuals viz., Sundharam, Ponnurangam, Ranganathan and Ponnurangam.

4. According to the petitioner, the said subdivision and the consequent issuance of patta in favour of the private respondents ought not to have been made, because the land in question at S.No.78 to the extent of 1.24 Cents belongs to the petitioner temple.

5. Therefore, in order to cancel the said patta and to issue patta in favour of the temple, the Executive Officer of the temple has given a representation dated 10.06.2013 to the District Collector ie., the first respondent and after having received the same, so far the first respondent has not decided the same and therefore, the petitioner has filed the present writ petition with the aforesaid prayer.

6. Heard Ms.Akshaya, learned representing counsel appearing on behalf of Mr.P.Dinesh Kumar, learned counsel for the petitioner, who, after having reiterated the aforesaid facts, seeks the indulgence of this Court to pass suitable direction to the first respondent / District Collector to decide the said representation of the petitioner on merits and in accordance with law within a time frame that may be stipulated by this Court.

7. Heard Ms.Akila Rajendran, learned Government Counsel appearing on behalf of the official respondents, who would submit that, if there is any representation as claimed by the petitioner dated 10.06.2013 and if the same so far has not been disposed of by the respondents, certainly that would be looked into and accordingly the same would be decided, after hearing both sides and orders would be passed within a time frame that may be stipulated by this Court.

8. I have considered the submissions made by the learned counsel for both sides and have perused the materials placed on record.

9. In view of the aforesaid case projected by the learned counsel for the petitioner that, the land in question is claimed to be the land of the petitioner temple and therefore, if at all the same is subdivided and patta was given in favour of any third parties and if that is sought to be cancelled by way of a representation dated 10.06.2013, the said representation shall be considered by the respondents by giving an opportunity of being heard to both the petitioner as well as the private respondents, in whose favour the patta had been issued.



10. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders.

- That there shall be a direction to the first respondent to consider and pass orders on the representation of the petitioner dated 10.06.2013.
- While considering the same, an opportunity of being heard shall be given to both the petitioner and the private respondents in whose name the subdivision patta has been given.
- The needful as indicated above shall be undertaken by the first respondent within a period of three months from the date of receipt of a copy of this order.

11. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

KST
To

To

1. The District Collector,
Collector Office,
Kanchipuram.

2. The Tahsildar
Taluk Office
Nanganallur,
Chennai - 600 061.

+1 cc to Government Pleader Sr.No. 32014

W.P.No.11052 of 2014

SKY(CO)
A.SK(02.08.2021)