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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.06.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.26561 of 2017

Jayabharathi

...Petitioner

Vs.

1. The Tahsildar,
Mambalam Taluk, Chennai.
2. The District Revenue Officer,
Chennai District,
O/o.District Collectors Office
Singaravelan Maligai, Chennai -1.
3. Arulmigu Vadapalani Andavar
Thirukoil, Vadapalani,
rep. by its Asst. Commissioner/
Executive Officer, Vadapalani
Chennai - 26.

...Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to consider the representation of the petitioner dated 27.10.2015, based on the report given by Deputy Inspector of Surveys, Mambalam Taluk, dated 15.6.2017.

For Petitioner : Mr.T.I.Ramanathan

For Respondents 1 & 2 : Ms.Akila Rajendran
Counsel for Government

For 3rd Respondent : Mr.Wilson Topaz
For M/s.A.S.Kailasam & Associates

ORDER

The prayer sought for herein is for a writ of mandamus directing the second respondent to consider the representation of the petitioner dated 27.10.2015, based on the report given by Deputy Inspector of Surveys, Mambalam Taluk, dated 15.6.2017.



2. In respect of landed property to the extent of 1793 sq.ft. at Plot No.11 Sathiyamurthy Street, Gandhi Nagar, Saligramam, Chennai - 600 093, ownership seems to have been claimed by the petitioner and on that strength, it seems that, she made request through her Power of Attorney Holder for the issuance of patta.

3. However, when that issue was taken up for consideration, it seems that the petitioner had come to know that the said landed property stands in the name of the third respondent temple. Thereafter, the petitioner claimed to have obtained information under RTI Act from the third respondent temple, wherein, it is the case of the petitioner that the third respondent temple has given an information to the petitioner that, the temple does not have any land at the concerned survey number.

4. Therefore, on the strength of the said information claimed to have been furnished by the third respondent, the petitioner through his power agent had given a detailed representation on 27.10.2015 to the second respondent for consideration of the said request of the petitioner and to issue patta for the land in question to and in favour of the petitioner. Since the said representation was not considered and it seems to have been pending before the second respondent, the petitioner has approached this Court by filing the present writ petition.

5. Though there is no representation for the petitioner, this Court, in view of the prayer sought for herein and after hearing the learned counsel for the respondents, is of the view that this writ petition can be disposed of on merits.

6. The learned counsel appearing for the third respondent temple would submit that, whatever the claim now made by the petitioner through his representation by quoting the alleged information said to have been obtained from the third respondent temple under the RTI Act has to be verified. However, insofar as the land in question is concerned, the claim of the temple would always be there and therefore, if at all this Court comes to a conclusion that, a direction can be given to the Revenue Authorities to decide the request of the petitioner on merits, let the Revenue Authorities issue notice to the third respondent temple authorities also and after hearing them let there be a decision on merits with regard to the claim made by the petitioner.

7. Ms. Akila Rajendran, learned counsel for Government appearing for respondents 1 and 2 would submit that, in view of the rival claim made by both the petitioner as well as the third respondent, the representation of the petitioner dated 27.10.2015 would be considered by the second respondent on



merits and in accordance with law, after hearing both the petitioner as well as the third respondent temple authorities and accordingly, it would be decided on merits within a time frame that may be stipulated by this Court.

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8.I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

9.In view of the said submission made by the learned counsel appearing for the respective parties and by taking into account the aforesaid factual matrix, this Court is inclined to dispose of this writ petition with the following direction:

That there shall be a direction to the second respondent to consider the representation of the petitioner dated 27.10.2015 and pass orders thereon on merits and in accordance with law, of course after affording an opportunity of being heard to both the petitioner as well as the third respondent and in this regard, separate notice shall be served to both the parties and after hearing them, the needful as indicated above shall be undertaken and final order shall be passed by the second respondent within a period of twelve weeks from the date of receipt of a copy of this order.

10.With this direction, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The Tahsildar,
Mambalam Taluk, Chennai.
2. The District Revenue Officer,
Chennai District,
O/o.District Collectors Office
Singaravelan Maligai, Chennai -1.



3. Asst. Commissioner/Executive Officer,
Arulmigu Vadapalani Andavar
Thirukoil, Vadapalani, Chennai - 26.

+1cc to the Government Pleader, S.R.No.28239

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PL(CO)
RGA(19/07/2021)