



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE M. DHANDAPANI

W.P. No.6809 of 2022

The Diocese of Chingleput Society,
Rep. by its Property Administrator,
Rev.Fr.S.Augustine Devadoss,
Catholic Bishop's House,
Thimmavaram,
Chengalpet 603 101.

...Petitioner

Vs.

1. The District Collector,
Chengalpet District,
Chengalpet.
2. The District Revenue Officer,
Chengalpet District,
Chengalpet.
3. The Revenue Divisional Officer,
Maduranthagam,
Chengalpet District.
4. The Tahsildar,
Cheyyur Taluk,
Chengalpet District.
5. The Assistant Commissioner
Hindu Religious & Charitable Endowments
Chengalpet.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to act and pass orders the recommendations of the 3rd respondent's proceedings in R.C.2443/2019A dated 21.02.2020 by rectifying the mistakes in all the revenue records by removing the entry 'Government Poromboke' and issue patta to the petitioner for their lands comprised in S.No.354/2 (Old No.416/1 & 416/2) measuring 5.16 Acres at Cheyyur Village, Cheyyur Taluk, Chengalpet District.



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For Petitioner : Mr.M.Sivavarthanan

For R1 to R4 : Mr.V.Veluchamy
Additional Government Pleader

For R5 : Mr.S.Yashwanth
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to act and pass orders on the recommendation of the 3rd respondent in proceedings in R.C.2443/2019A dated 21.02.2020, by rectifying the mistakes in all the Revenue Records by removing the entry 'Government Poromboke' and issue patta to the members of the petitioner/Society for their lands comprised in S.No.354/2 (Old No.416/1 & 416/2) measuring 5.16 Acres at Cheyyur Village, Cheyyur Taluk, Chengalpet District.

2. The case of the petitioner is that the petitioner herein is a Society registered under the Societies Registration Act, 1975 and engaged in Religious and Charitable activities. The land and building comprised in aforesaid Survey Number belongs to Sinthathiri Madha Koil, Cheyyur. The said lands were purchased by the then Parish Priest by two registered sale deeds. In the aforesaid lands, the buildings were constructed for St.Mary's High School and a Cemetery is also located therein and the remaining lands were used as school play-ground. Further, the above said lands were treated as "Temple Poromboke" in the Settlement Accounts of the Cheyyur Village. Therefore, the then Parish Priest of Cheyyur namely Fr.Devinathar filed a Revision Petition under Section 5(2) of the Madras Estate (Abolition and Conversion into Ryotwari) Act, 1948 before the Director of Settlements, Madras in R.Dis.8716/63. The Director of Settlements, Madras, by final order dated 11.11.1963, allowed the Revision Petition and set aside the final settlement enquiry treating S.No.354/2 (5.16 Acres) as 'Temple Poromboke' and directed Ground Rent Patta to be issued in the name of Catholic Church at Cheyyur Rep. by its Parish priest. Though, the Director of Settlements has passed orders, the said statutory orders were not implemented by the Revenue Department, by effecting necessary changes in the Revenue Records. Therefore, the entries in the Revenue Records for the abovesaid lands continued to remain as 'Government Poromboke'. Thereafter, the petitioner applied for renewal of school building license for St.Mary's High School, and the 4th respondent, by Memo dated 28.02.2018, refused to renew the building licence, since the lands of the petitioner in the abovesaid Survey number are



recorded as 'Government Temple Poromboke' in the Revenue Records. Therefore, the petitioner has made a detailed representation dated 09.09.2019 before the respondents, seeking to rectify the mistakes in all the Revenue Records and issue Patta to the aforesaid lands. However, the 2nd respondent enquired the petitioner's request and obtained the report from 3rd and 4th respondents. Further, the 3rd respondent conducted detailed enquiry and on 21.02.2020, the 3rd respondent recommended to the 2nd respondent for rectification of mistakes in the Revenue Records. Though the 2nd respondent accepted the request of the petitioner, and sent a letter dated 01.10.2020 to the 5th respondent to confirm as to whether the abovesaid lands belong to Hindu Religious & Charitable Endowments Department, however, till date, no order has been passed. Hence, the petitioner has filed the present Writ Petition.

3.Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice, if this Court issues direction to the 1st and 2nd respondents to consider the recommendations made by the 3rd respondent on 21.02.2020 and pass orders on the same within a particular time frame that may be fixed by this Court.

4.The learned Additional Government Pleader appearing for the respondents has no serious objection for said direction being passed.

5.In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, directs the 1st and 2nd respondents to consider the recommendation made by the 3rd respondent on 21.02.2020 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording opportunity of hearing to the petitioner/Society, 5th respondent and aggrieved persons, if any.

6.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

jd/skt



To

1. The District Collector,
Chengalpet District,
Chengalpet.
2. The District Revenue Officer,
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Chengalpet.
3. The Revenue Divisional Officer,
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Chengalpet District.
4. The Tahsildar,
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Chengalpet District.
5. The Assistant Commissioner
Hindu Religious & Charitable Endowments
Chengalpet.

+1cc to M/s.M.Sivavarthanam, Advocate, S.R.No.20128

+1cc to the Special Government Pleader, S.R.No.20686

W.P. No.6809 of 2022

SKM(CO)
RGA(12/04/2022)