



WEB COPY



W.P.No.35230 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.35230 of 2015

and

M.P.No.1 of 2015

Neithavoyal Chettiar Thanneerpanthal
Dharmam (Charity),
Represented by its Sole Trustee,
T.Mohanasundaram Chettiar,
S/o.Thaiyagaraja Chettiar,
No.28/56, Manimekalai Street,
Madipakkam, Chennai – 600 091.

... Petitioner

Vs.

1.The Additional Chief Secretary/
Commissioner of Land Administration,
Land Administration Department,
“Elizhagam”,
Chepauk, Chennai – 600 005.

2.The District Revenue Officer,
Thiruvallur District, Thiruvallur.

3.The Revenue Divisional Officer,
Ponneri Division,
Ponneri – 601 204.

4.The Tahsildar,
Ponneri Taluk,
Ponneri – 601 204.

5.Jayaraman

<https://www.mhc.tn.gov.in/judis>



W.P.No.35230 of 2015

6.S.B.Gandhi

... Respondents

WEB C

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records from the 1st respondent and quash the impugned order dated 15.04.2015 in proceedings D.Dis.No.K4/1653/2015 cancelling the order dated 26.09.2014 of the 2nd respondent in respect of the petitioner Trust properties as the same is unconstitutional, arbitrary, biased and against all principles of law and natural justice.

For Petitioner	:	M/S.Angamuthu
For R1 to R4	:	Mr.U.Bharanidharan, Additional Government Pleader
For R5	:	Mr.B.Parthasarathy
For R6	:	Mr.S.Udhayakumar

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorari to call for the records from the 1st respondent and quash the impugned order dated 15.04.2015 in proceedings D.Dis.No.K4/1653/2015 cancelling the order dated 26.09.2014 of the 2nd respondent in respect of the petitioner Trust properties as the same is unconstitutional, arbitrary, biased and against all principles of law and natural justice.

2. The case of the petitioner is that the petitioner/Managing trustee claims that he is the life time trustee of Neithavoyal Chettiar Thanneerpanthal

Dharmam (Charity) situated at Neithavoyal Village, Ponneri Taluk,



W.P.No.35230 of 2015

Thiruvallur District. It is stated that the portions of the petitioner trust had been encroached by several person in the village including the fifth respondent herein. Therefore, the petitioner/trust filed a Suit before the Civil Court in O.S.No.186 of 2009 on the file of District Munsif, Ponneri against the fifth respondent, namely Jayaraman, seeking for declaration of title and recovery of possession against the said Jayaraman and the Assistant Executive Engineer, Tamil Nadu Electrical Board. However, the said Suit was dismissed as against the petitioner as well as the defendant/Jayaraman and S.B.Gandhi. The Civil Court has further held that the property belonged to Neithavoyal Chettiar Thanneerpanthal Dharmam (Charity) only. However, the District Revenue Officer had included the name of T.Mohanasundaram as time being trustee in the patta. Challenging the inclusion of the name, the fifth respondent filed a revision before the first respondent, the first respondent set-aside the order of District Revenue Officer/second respondent and remitted back for fresh enquiry to decide the issue taking into account of the judgement in O.S.No.186 of 2009. Challenging the same, the petitioner had filed the present Writ Petition.

3. The learned counsel for the petitioner submitted that it would suffice, if this Court sets-aside the order of the third respondent/Revenue



W.P.No.35230 of 2015

Divisional Officer and remand the matter to the second respondent to conduct a detailed enquiry to decide the issue and pass appropriate orders within a stipulated time that to be fixed by this Court.

4. Heard the arguments advanced on either side and perused the materials available on record.

5. In view of the limited request sought for by the petitioner, this Court without interfering with the order under challenge, is inclined to issue a direction to the second respondent to conduct a detailed enquiry to decide the issue that has been raised in the present Writ Petition and pass appropriate orders in terms of the decree of the Civil Court, without being influenced by any of the observations made by the first respondent.

6. With the above observations and direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

11.10.2022

Index : Yes / No
Speaking order: Yes/ No

jd

<https://www.mhc.tn.gov.in/judis>



W.P.No.35230 of 2015

WEB COPY

To

- 1.The Additional Chief Secretary/
Commissioner of Land Administration,
Land Administration Department,
“Elizhagam”,
Chepauk, Chennai – 600 005.
- 2.The District Revenue Officer,
Thiruvallur District, Thiruvallur.
- 3.The Revenue Divisional Officer,
Ponneri Division,
Ponneri – 601 204.
- 4.The Tahsildar,
Ponneri Taluk,
Ponneri – 601 204.



WEB COPY



W.P.No.35230 of 2015

M.DHANDAPANI, J.

jd

W.P.No.35230 of 2015
and
M.P.No.1 of 2015

11.10.2022