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W.P.No.5125 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.5125 of 2017
and W.M.P.Nos.5421 of 2017 & 21904 of 2022

P.Chamundeswari

.. Petitioner

Versus

1.The Collector of Chennai
Singaravelar Maligai
Rajaji Salai, Chennai – 600 001

2.The Tahsildar
Mambalam-Guindy Taluk
K.K.Nagar, Chennai – 78

3.The Special Tahsildar
Natham Urban Land Tax Plan
Mambalam-Guindy Taluk
K.K.Nagar, Chennai – 78

4.Jayalakshmi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned patta issued by the 3rd respondent to the 4th respondent in Form No.4, Land Tax Thorya Patta in respect of land comprised in T.S.No.22/1, Old S.No.37/7 part measuring 0.02.088.0 sq.mt, situated in Kodambakkam-Mambalam-Guindy Taluk, Chennai dated 26.08.2013 to quash the same and to direct the 3rd respondent to issue patta in the name of the



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petitioner Devasthanam namely Sri Vengeeswarar Alagar Perumal and Nagathamman Koil Devasthanam.

For Petitioner : Mr.R.Abdul Mubeen
For Respondents : Mr.D.Gopal for R1 - R3
Government Advocate
Mr.K.Sukumaran for R4

ORDER

This petition has been filed challenging the impugned patta issued by the 3rd respondent to the 4th respondent in Form No.4, Land Tax Thorya Patta in respect of land comprised in T.S.No.22/1, Old S.No.37/7 part measuring 0.02.088.0 sq.mt, situated in Kodambakkam-Mambalam-Guindy Taluk, Chennai dated 26.08.2013 to quash the same and to direct the 3rd respondent to issue patta in the name of the petitioner Devasthanam namely Sri Vengeeswarar Alagar Perumal and Nagathamman Koil Devasthanam.

2. The case of the petitioner is that the subject property is the petitioner's temple property. When the matter stood thus, without notice to the petitioner, the second respondent had reclassified the land as per his whims and fancies and issued patta. Challenging the above said patta issued in favour of the fourth respondent, this writ petition is filed.



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3. The learned Government Advocate submitted that the patta has been issued only by the Tahsildar. Thereafter, the Revenue Divisional Officer, Chennai Central has initiated the proceedings vide proceedings in Na.Ka.No.A3/4688/2022 dated nil.09.2022 on the basis of the petition filed by the Temple and a summon is also issued to the parties concerned. According to him, only the Revenue Divisional Officer is competent to look into the matter of issuance of patta. Hence, both sides were directed to appear before the RDO for concluding the proceedings.

4. The learned counsel for the fourth respondent submitted that the fourth respondent is willing to appear before the RDO and seeks this Court for a direction to the RDO to conclude the proceedings as early as possible.

5. Heard both sides and perused the materials placed on record. Admittedly, the facts of the present case are not in dispute. As the RDO has initiated the proceedings based on a petition filed by the temple, this Court is of the view that since the matter is seized by the Revenue Divisional Officer, both the parties are directed to appear before the RDO, Central Chennai Division on 30.11.2022 in consonance to the summons in Na.Ka.No.A3/4688/2022 dated



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nil.09.2022 and the said Revenue Divisional Officer on the basis of the records and enquiry shall decide the validity of the impugned patta issued by the third respondent in favour of the fourth respondent and pass appropriate order (s) on merits and in accordance with law after providing opportunity of hearing to both sides, within a period of four months from the date of receipt of a copy of this Order.

6. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

15.11.2022

Index : Yes/No
Internet: Yes/No
dhk

Note: Issue Order Copy on 18.11.2022

To

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3.The Special Tahsildar
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15.11.2022
(1/2)