



W.P.No.30796 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.11.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

W.P.No.30796 of 2022

S.Sudhakar

...Petitioner

Versus

1.The Revenue Divisional Officer,
Thiruvallur Taluk,
Thiruvallur District.

2.The Tahsildar,
Avadi Taluk Office,
Avadi Taluk, Chennai – 600 054.

3.Arulmighu Baktavatchalaperumal Thirukoil,
Thiruninravur, Poonamallee,
Thiruvallur – 602 024.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent herein to dispose of the petitioner appeal dated 27.02.2021 for the issuance of Patta in favour of the petitioner pertaining to the property comprised in S.Nos.358/1 and 358/2 at Kosavampalayam Village, Thiruninravur within a time frame as may be stipulated by this Court.

For Petitioner	:	Mr.S.Krishnamoorthy
For Respondents – 1 & 2:		Mr.U.Bharanidharan, Additional Government Pleader
For Respondent – 3	:	Mr.N.R.R.Arun Natarajan, Special Govt. Pleader (HR & CE)



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W.P.No.30796 of 20__

ORDER

Mr.U.Bharanidharan, learned Additional Government Pleader takes notice for the respondents 1 & 2. With the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The relief sought by the petitioner in this writ petition is to direct the first respondent herein to dispose of his appeal dated 27.12.2021, preferred for issuance of Patta in his favour pertaining to the property comprised in S.Nos.358/1 and 358/2 at Kosavampalayam Village, Thiruninravur, within a time frame as may be stipulated by this Court.

3. The case of the petitioner is that the property comprised in S.Nos.358/1 and 358/2 at Kosavampalayam Village, Thiruninravur belongs to him and other 100 families. He and other 100 families claim that the said property is their ancestral property and they are in continuous peaceful possession and enjoyment of the same for more than three generations. The Assistant Director of Survey of L.R.S., Range Office, Madras inspected the



subject property and based on the extent of possession, made revenue entries of SLR and GR in name of the petitioner and 100 other families.

3.1. While so, the third respondent temple claims title over the subject property. So, petitioner and the aforesaid other 100 families gave a representation to the first respondent for grant of patta in respect of the subject property in their favour, but, their representation was not considered by the first respondent. Though the District Collector, Thiruvallur directed the second respondent to consider the said representation, no action was taken by the second respondent in this regard. Hence, the aggrieved petitioner filed a writ petition in W.P.No.10449 of 2018 before this Court, seeking to direct the District Revenue Officer, Collectorate Office, Thiruvallur to consider the representation made by petitioner and other 100 families. This Court vide order dated 07.10.2020 disposed of the said writ petition by directing the Tahsildar, Poonamallee to consider their representation and pass orders on the same, within a period of eight weeks from the date of receipt of a copy of that order, after hearing the petitioner and third respondent temple.



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3.2. Without ascertaining any documents and revenue records of SLR and GR of the patta stands in the name of petitioner and other 100 families, the second respondent conducted enquiry on 15.06.2015. That apart, without providing any opportunity to the petitioner and other 100 aggrieved families, only on the basis of oral statement given by the third respondent temple authorities, the second respondent vide proceedings in Na.Ka.No.1900/2021/A1 dated 01.12.2021 passed an order in favour of the third respondent temple, as against which, the petitioner has preferred an appeal before the first respondent. The said appeal is pending disposal before the first respondent. Therefore, left with no other alternative, the petitioner has filed the present writ petition before this Court.

4. Since no adverse order is being passed against the third respondent, notice to the third respondent is dispensed with.

5. Heard the learned counsel on either side and perused the materials placed before this Court.



W.P.No.30796 of 20__

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6. Considering the limited relief sought by the petitioner in this writ petition, this Court without going into the merits of the case, directs the first respondent to dispose of the appeal dated 27.12.2021 preferred by the petitioner, as expeditiously as possible, after affording an opportunity of personal hearing to the petitioner as well as other aggrieved persons, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs.

21.11.2022

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Index : Yes/No



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W.P.No.30796 of 20__

M.DHANDAPANI, J.

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Copy to

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