



W.P.No.9495 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9495 of 2019

M.S.Rajaram

...Petitioner

Vs.

1.The Thasildar,
Pallavaram Taluk,
Kancheepuram District.

2.Sri Krishnasamy Temple Devasthanam,
North Malayambakkam,
Rep. by its Executive Officer,
Varadaraja Perumal Koil,
Sannathi Street, Poonamallee,
Chennai – 600 056.

3.The Tahsildar,
Kundrathur,
Kancheepuram District.

...Respondents

[R3 suo motu impleaded as per dated 07.09.2023]

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to issue appropriate orders for sub-division of property comprised in Survey No.131, North Malayambakkam Village, Pallavaram Taluk, Kancheepuram and



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issue patta in the name of the petitioner for an extent of 21 cents based on his representation dated 27.04.2018 within a reasonable time.

For Petitioner : Mr.A.E.Ravichandran
For R1 &R3 : Mr.C.Jayaprakash
Government Advocate
For R2 : Mr.S.Surya
for M/s.A.S.Kailasam and Associates

ORDER

On account of bifurcation of Districts, now the subject land is falling under the jurisdiction of the Tahsildar, Kundrathur, Kancheepuram District. Thus, the Tahsildar, Kundrathur, Kancheepuram District has been suo motu impleaded as a respondent in the present writ petition. Mr.C.Jayaprakash, learned Government Advocate accepts notice.

2.The relief sought for in the present writ petition is to direct the Tahsildar, Kundrathur, Kancheepuram District to issue appropriate orders for sub-division of property comprised in Survey No.131, North Malayambakkam Village, Pallavaram Taluk, Kancheepuram and issue patta



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in the name of the petitioner for an extent of 21 cents based on his representation dated 27.04.2018 within a reasonable time.

3.The learned counsel for the petitioner mainly contended that the subject property measuring to an extent of 43 cents comprised in S.No.131 in North Malayambakkam Village, Pallavaram Taluk is the disputed extent of land in the present writ petition. The second respondent temple is claiming right over the entire 43 cents of the land but the petitioner holds document in respect of 21 cents of land and the learned counsel for the petitioner admits that the temple lands are to the extent of 22 cents alone. In this regard, the Tahsildar has to conduct an enquiry for the purpose of grant of patta under the provisions of the Patta Passbook Act. Sub-divisions are to be made for the purpose of maintenance of revenue records.

4.Since the petitioner claims 21 cents of land in the entire extent of 43 cents and the temple claims the whole extent of 43 cents, the Tahsildar, Kundrathur, Kancheepuram District has to conduct an enquiry by affording an opportunity to the petitioner and the second respondent temple and by



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verifying the relevant documents and revenue records and take a decision on merits and in accordance with law as expeditiously as possible. The Tahsildar, Kundrathur, Kancheepuram District is directed to conduct an enquiry and pass orders, preferably within a period of twelve weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands disposed of. No costs.

07.09.2023

cse

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order



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To

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S.M.SUBRAMANIAM, J.

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