



W.P.No.10121 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**

W.P.No.10121 of 2023

and

W.M.P.Nos.10143, 10145, 10146 of 2023

1. Alli

2. Hemamalani

... Petitioners

**Vs.**

1. The District Collector,  
Formerly Kancheepuram District,  
Presently Chengalpattu District.

2. The commissioner of Land Administration,  
Office of the Principal Secretary,  
Chepauk, Ezhilagam, Chennai-05.

3. The District Revenue Officer,  
Chengalpattu District, Chengalpattu-600 048.

4. The Revenue Divisional Officer,  
Vandalur Taluk, Tambaram,  
Chengalpattu District, Chennai 45.

5. The Tahsildar,  
Vandalur Taluk, Vandalur,  
Chengalpattu District-600 048.



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6. The Assistant Commissioner,  
Hindu Religion and Charitable Endowments Department,  
Chengalpattu, 228 JCK Nagar, Chengalpattu-603 001.

7. Joint commissioner,  
Hindu Religion and Charitable Endowments Department,  
11/20 AK Thangavelar street,  
Chinna Kancheepuram-631 501.

8. The Inspector of Police,  
Thazambhur Police Station,  
Navalur, Chennai-130.

... Respondents

**Prayer :-** Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 3rd respondent dated 11.01.2021 Na.Ka.No. 18123/ 2019/ Aa4 and quash the same and consequently directing the respondents 3 to 5 to grant patta in favour of the petitioners for the property being a Grama Natham comprised in Old survey no. 47/1 later on subsequently assigned new survey No. 47/6 situated in Mambakkam Village, Vandalur Taluk, Chengalpet district.

For Petitioners : Mr.S.R.Sundar

For Respondents :  
(for R1 to R5) : Mr.D.Ravichander,  
Special Government Pleader  
(for R6 to R7) : Mr.S.Yashwanth  
Additional Govt. Pleader (H.R.&C.E.)



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## **ORDER**

**WEB COPY** The proceedings of the District Revenue Officer, Chengalpattu, dated 11.01.2021, relegating the parties to approach the competent Civil Court of law is under challenge in the present writ petition.

2. The petitioners state that they are living and possessing the property which is a Grama Natham in Survey No.47/6, situated at Mambakkam Village, Vandalur Taluk, Chengalpattu District, originally owned and enjoyed by the predecessor of late Mr.M.R.Rajendran, who is the owner of the said property.

3. There is a counter claim on behalf of the temple authorities, on the ground that the subject property is belonging to Arulmigu Murugan Atheeswarar Thirukoil Temple. It is contended that the land has been classified as "Grama Natham". In view of the dispute between the temple and the petitioners, the Revenue Authorities were not in a position to determine the issues.

4. The learned counsel appearing on behalf of the H.R. & C.E. Department made a submission that the land is belonging to the temple and they possess records. The H.R. & C.E. Department has already initiated



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action under Section 78 of the H.R. & C.E. Act to evict the encroachers in respect of the subject property.

5. The learned counsel for the petitioners reiterated that the petitioners are in possession of the property for long time and they also possess certain records. In view of the order passed by the District Revenue Officer, the petitioners have no objection in approaching the Civil Court for the purpose of resolving the issues. Revenue proceedings would not confer any title or ownership. Any person claiming title has to approach the Civil Court for the purpose of declaration or otherwise. Equally the temple authorities are competent to initiate appropriate action if they hold certain rights in respect of the temple property. This being the factum, the petitioners are at liberty to approach the Civil Court of law for the purpose of resolving the issues.

6. With these liberties, the writ petition stands **disposed of**. No costs. Consequently, connected miscellaneous petitions are closed.

(sha)  
Index : Yes  
Speaking Order  
Neutral Citation : Yes

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**S.M.SUBRAMANIAM. J.,**

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