



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 16.08.2023**

CORAM

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

**W.P.No.24084 of 2023**

V.M.S.Pachaiyappan

... Petitioner

Vs.

- 1.The District Collector,  
Thiruvallur District.
- 2.The Commissioner  
Land and Administration Office,  
Chepauk, Chennai – 600 005.
- 3.The Commissioner,  
HR & CE Department,  
Nungumbakkam, Chennai – 600 034.
- 4.The Revenue Divisional Officer,  
Thirumangalam,  
Chennai – 600 040.
5. The Special Tahsildar,  
(Assignment),  
Saidapet, Chennai – 600 015.
6. The Tahsildar,  
Ambattur Taluk,  
Chennai – 600 050.



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7.The Village Administrative Officer,  
No. 10, Padi, Ambattur Taluk,  
Tiruvallur District.

8.The Executive Officer,  
Arulmigu Thiruvaleeswarar Temple,  
Padi, Chennai – 600 050.

9.The Hereditary Trustee  
Arulmigu Thiruvaleeswarar Temple,  
Padi, Chennai – 600 050.

Respondents

...

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1, 4, 5 and 6<sup>th</sup> respondents to dispose the petitioner representation dated 22.02.2019 by confirming the Assignment Patta dated 28.04.2002 issued by 5<sup>th</sup> respondent/ the Tahsildar (A), Saidapet, through the District Collector / 1<sup>st</sup> Respondent order ref.R.D.No. 14406/85, 9.2.1985 and consequently issue computer Patta in favour the petitioner.

For Petitioner : Mr.P.Venkateshan

For R1, R2 & R4 to R7 : Mr.D.Ravichander,  
Special Government Pleader

For R3, R8 and R9 : Mr.N.R.R.Arun Natarajan,  
Special Government Pleader



## **ORDER**

**WEB COPY** The relief sought for in the present writ is to consider and dispose of his representation dated 22.02.2019 by confirming the assignment patta dated 28.04.2002 issued by the Special Tahsildar.

2. The petitioner states that he was in possession of the subject property, classified as 'GramaNatham'. The petitioner has filed an affidavit, as if he is the legal owner of the subject property and paying all necessary tax, electricity bills etc.,

3. The learned Special Government Pleader appearing on behalf of the Hindu Religious and Charitable Endowments Department raised an objection by stating that the petitioner has suppressed all the material facts in the present writ petition. The petitioner was in occupation of the temple property and action was initiated under Section 78 of the Hindu Religious and Charitable Endowments Act and the competent authority / the Joint Commissioner passed final orders in M.P.No.192 of 2017.



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4. The petitioner was evicted from the Temple premises and possession has already been taken by the competent authority. The petitioner has intentionally suppressed all these factors and more so he filed a Writ Petition on earlier occasion, which was also dismissed by this Court. Even that fact has also suppressed in the present writ petition. Thus, the petitioner has violated the High Court Writ Rules. The earlier writ petition was also not stated in the present affidavit. The petitioner is not in possession of the property as of now and the learned Special Government Pleader submitted the copy of the proceedings of the Joint Commissioner and contended that the petitioner has filed the present writ petition with a motive to grab the Temple property.

5. The petitioner herein challenging the order passed under Section 78 of the Hindu Religious and Charitable Endowments Act has filed a Revision Petition before the Commissioner, Hindu Religious and Charitable Endowments Department in Revision Petition No.32 of 2019 and the said Revision Petition was dismissed by the Hindu Religious and Charitable Endowments Department. Challenging the said order passed



by the Revisional Authority, the petitioner has filed a Writ Petition in W.P.No.5445 of 2020 and the said Writ Petition was subsequently withdrawn by the petitioner and the Court passed the order of withdrawal as follows:-

*“ The petitioner is permitted to withdraw the writ petition with liberty as sought. By consent, it is directed that the petitioner be granted access to the property at Plot No.46-A, Door No.29-A, Thirugnanasambanthar Street, Jagadambigai Nagar, Padi, Chennai-600 050 on 17.03.2020 and 18.03.2020 between 10.30 a.m. and 05.30 p.m. enable him to remove therefrom such essential articles as he may require.”*

6. The learned Special Government Pleader appearing for the respondents has brought to the notice of this Court that the petitioner had not availed the opportunity given by this Court for the purpose of removing his belongings. Therefore, the authorities are competent to deal



with the properties kept inside the premises in the manner known to law.

The authorities have already taken possession and therefore, the petitioner is not entitled for any relief. More so, the petitioner has suppressed all the material facts relating to the initiation of Section 78 proceedings passing final orders and thereafter the order passed by the revisional authority viz., the Commissioner, Hindu Religious and Charitable Endowments Department and the Writ Petition filed by him in W.P.No.5445 of 2020. Thus, the present writ petition is not only vexatious, but the petitioner has intentionally suppressed the material facts, in violation of the High Court Writ Rules.

7. Accordingly, the writ petition stands dismissed with the costs of Rs.25,000/-. The petitioner is directed to pay the costs to the The Executive Officer, Arulmigu Thiruvaleeswarar Temple, Padi, Chennai – 600 050 on or before 27.08.2023 and produce the receipt on 28.08.2023.



8. Post the matter under the caption, “For Reporting Compliance”

on 28.08.2023.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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

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