



WEB COPY



W.P.No.23065 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23065 of 2023

S.Selvam

...Petitioner

Vs.

1.The Tahsildar,
Tahsildar Office,
Solinganallur Chennai.

2.District Revenue Officer,
Solinganallur, Chennai.

3.The Assistant Settlement Officer (South),
Chennai – 600 005.

4.The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam High Road,
Chennai – 600 034

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the third respondent to dispose of the petition bearing No.168 of 2021 on the file of the third respondent.



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For Petitioner : Mr.S.Velu
For Respondents 1 to 3 : Mr.C.Jayaprakash,
Government Advocate
For Respondent 4 : Mr.N.R.R.Arun Natarajan,
Special Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the third respondent to dispose of the petition bearing No. 168 of 2021 filed by the petitioner on the file of the third respondent.

2. The petitioner states that his father was the absolute owner of the suit property described in the present writ petition. The petitioner states that he inherited the property from his father and submitted an application to grant ryotwari patta under the provisions of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963. The said application was not considered, despite the fact that the petitioner has submitted some revenue documents to establish his case.



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3. The learned Special Government Pleader appearing on behalf of the fourth respondent raised an objection by stating that even as per the documents produced by the writ petitioner along with the present writ petition, the revenue records stands in the name of Sri Pidari Veerathamman Temple. The Settlement Tahsildar under the Act passed an order on 09.01.1969 categorically naming the temple as Sri Pidari Veerathamman temple and consequently, the revenue records also stand in the name of the temple. Even the current revenue records maintained by the revenue department reveals that the title holder of the subject property is Sri Pidari Veerathamman Temple. While so, the petitioner is making an attempt to secure patta in his name, in violation of the provisions of the Hindu Religious and Charitable Endowments Act, and by misguiding the competent authorities. Thus, the writ petition is to be rejected.

4. Even to issue a direction to consider the representation, the petitioner has to establish a right. The right to be established being a pre-condition for entertaining the writ petition. Routine direction if issued to consider the representation would do no service to the cause of justice. Such directions are causing not only administrative inconvenience to the



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authorities, but also paying way for illegal and corrupt activities in collusion with the parties. Thus, in the absence of establishing any right, the High Court cannot entertain a writ petition under Article 226 of the Constitution of India.

5. In the present case, the revenue records produced by the petitioner reveals that the property stands in the name of Sri Pidari Veerathamman Temple and if at all the petitioner claims title, he has to approach the competent civil court of law for the purpose of establishing his right. Contrarily, the authorities may not be in a position to consider his representation for grant of relief as such sought for in the representation by the writ petitioner. Thus the petitioner has not established even a semblance of right for the purpose of considering the relief sought for in the present writ petition.

6. Accordingly, the writ petition stands dismissed. No costs.

07.08.2023

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Index: Yes
Speaking Order
Neutral Citation: Yes

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S.M.SUBRAMANIAM, J.

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