



W.P.No.24442 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2023

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24442 of 2023

and

W.M.P.No.23877 of 2023

Anusuya Devi. N

...Petitioner

-Vs-

- 1.The District Collector,
Chengalpattu District,
Chengalpattu,
Tamil Nadu - 603 001.
- 2.The Tahsildar,
Thiruporur Taluka Office,
Thiruporur,
Chengalpattu - 603 110.
- 3.The Executive Engineer,
Public Works Department,
Buildings (C&M) Division,
Chengalpattu.
- 4.The District Revenue Officer,
Tamil Nadu Tourism Development
Corporation, Chennai.



W.P.No.24442 of 2023

5.The Commissioner,
HR&CE Department,
Chennai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent herein to consider and pass orders in the representation filed by the petitioner dated 06.10.2022 within a time frame and consequently restrain the respondents 3 to 5, their men and their agents from in any way interfering with the peaceful possession and enjoyment of the petitioner in respect of Survey No.82 in Muttukadu Village, Thiruporur Taluka, Chengalpattu District.

For Petitioner	:	Mr.Srinath Sridevan, Sr. Counsel Mr.Guru Dhananjay
For R1 to R4	:	Mr.T.Venkatesh Kumar, Special Government Pleader
For R5	:	Mr.K.Karthikeyan, Government Advocate

ORDER

The relief sought for in the present writ petition is to direct the second respondent to consider and pass orders on the representation of the petitioner dated 06.10.2022 with a consequential direction to restrain the respondents 3 to 5, their men and their agents from in any way interfering



W.P.No.24442 of 2023

with the peaceful possession and enjoyment of the petitioner in respect of Survey No.82 in Muttukadu Village, Thiruporur Taluka, Chengalpattu District.

2. The representation submitted by the petitioner dated 06.10.2022 reveals that the application was filed under the provisions of the Tamil Nadu Patta Pass Book Act, 1983 (hereinafter referred to as 'the Act') to grant patta in the name of the petitioner Smt.N.Anusuya Devi. In the application, the petitioner states that the subject property is an ancestral and Hindu joint family property and therefore, the patta is to be granted in her name.

3. The learned Senior Counsel appearing for the petitioner made a submission that the patta was initially granted in the name of the Manager for the time being of Vembadi Amman Temple. Admittedly, the petitioner is not a trustee of the temple now. However, the petitioner states that she has taken steps to approach the competent authorities for adjudication of those issues. As far as the application dated 06.10.2022 is concerned, the



W.P.No.24442 of 2023

Tahsildar is empowered to adjudicate the issues and consider the representation submitted by the writ petitioner. Therefore, the writ petition is to be considered.

4. The learned Government Advocate for the fifth respondent objected the contentions of the petitioner by stating that the subject property belongs to the temple namely Vembadi Amman Temple. The patta was initially granted in the name of the trustee temporarily and after the Hindu Religious and Charitable Endowments Department has taken over the temple, the trustee, in their individual capacity, cannot seek patta in their name. The petitioner is not the trustee as on date and therefore, the application submitted by the petitioner seeking patta is not maintainable.

5. At this juncture, the learned Senior Counsel for the petitioner submitted that an application has already been filed before the Joint Commissioner and the Commissioner of the HR & CE Department for approving the petitioner as trustee of the said temple.



W.P.No.24442 of 2023

6. This Court is of the considered opinion that even as per the document furnished by the petitioner, the patta was initially granted in the name of the Manager for the time being of Vembadi Amman Temple. When the patta stands in the name of the temple and the petitioner also claims patta in her individual capacity, the Tahsildar is incompetent to adjudicate the title dispute under the provisions of the Act. In the event of any dispute, title, ownership or otherwise, the parties have to approach the competent Civil Court of law.

7. Section 3 of the Tamil Nadu Patta Pass Book Act stipulates that, the Tahsildar shall issue a patta pass book to every owner in respect of land owned by him on an application made by him in this behalf. Therefore, the owner alone is competent to submit an application seeking patta before the Tahsildar. When there is a dispute regarding the ownership, then the parties are relegated to approach the competent Civil Court of law.

8. Admittedly, in the present case, the patta stands in the name of the temple as on today. When the patta stands in the name of the temple, the



W.P.No.24442 of 2023

property cannot be alienated by any person and the competent authority is empowered to raise an objection under Section 22A of the Registration Act for registering any document. Therefore, the application submitted by the petitioner for grant of patta in her name cannot be considered, since there is a dispute with regard to the subject property. Thus, the only option left open to the petitioner is to approach the Civil Court of law, if she claims title or ownership or otherwise.

9. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

21.08.2023

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

hvk



W.P.No.24442 of 2023

To
WEB COPY

- 1.The District Collector,
Chengalpattu District,
Chengalpattu,
Tamil Nadu - 603 001.
- 2.The Tahsildar,
Thiruporur Taluka Office,
Thiruporur,
Chengalpattu - 603 110.
- 3.The Executive Engineer,
Public Works Department,
Buildings (C&M) Division,
Chengalpattu.
- 4.The District Revenue Officer,
Tamil Nadu Tourism Development
Corporation, Chennai.
- 5.The Commissioner,
HR&CE Department,
Chennai.



WEB COPY



W.P.No.24442 of 2023

S.M.SUBRAMANIAM, J.

hvk

W.P.No.24442 of 2023

21.08.2023