



W.P.No.30993 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.30993 of 2023
and
W.M.P.No.30631 of 2023

The Theosophical Society
Rep. by its General Manager
Mr.K.Jaikumar

... Petitioner

versus

1. The Principal Secretary and Commissioner
Survey and Settlement
Chepauk, Chennai-600 005.
2. The District Collector
Chennai District
Office of the Collectorate
Rajaji Salai, Chennai-600 001.
3. The District Revenue Officer
Office of the District Revenue Officer
Chennai Collectorate
Rajaji Salai
Chennai-600 001.
4. The Tahsildar
Office of the Tahsildar
Velachery, Chennai.

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5. The Joint Director
Land Survey and Settlement Department
Survey House,
Chepauk, Chennai-600 005.

6. Faiza Ahmed
Vaniya Street, Kundrathur
Chennai-600 069.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent in his proceedings in Na.Ka.No.J7/18055/2021 dated 31.03.2023 and quash the same and direct the third respondent to restore the name of the petitioner in respect of the lands comprised in Old Survey Nos.26, 28, 29A and 29B admeasuring an extent of 81.25 acres situated in Urur Village, Velachery Taluk.

For Petitioner	:	Mr.A.L.Somayaji Senior counsel
For Respondents	:	Mr.R.Shanmugasundaram Advocate General assisted by Mr.Yogesh Kannadasan Special Government Pleader for R1 to R5

ORDER

This writ petition has been filed seeking to quash the proceedings dated 31.03.2023 bearing reference Na.Ka.No.J7/18055/2021 made by the third respondent and to direct the third respondent to restore the name of the



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petitioner in respect of the lands comprised in Old Survey Nos.26, 28, 29A and 29B admeasuring an extent of 81.25 acres situated in Urur Village, Velachery Taluk.

2. The case of the petitioner is that the writ petitioner-Society was incorporated in the year 1905 under the Societies Registration Act, 1860 and had its Headquarters at Adyar and branches all over the world in 70 countries. The society's aims and objectives are to nurture universal brotherhood, to encourage comparative study of all religions and to explore unexplained laws of nature as well as powers latent in man. The petitioner-Society has been in possession and absolute enjoyment of the subject matter property. The fourth respondent herein vide letter dated 06.15.2013 had directed the petitioner to appear for an enquiry along with copies of documents in which the petitioner had acquired the property. The petitioner-Society in response to the said enquiry notice had filed all the documents namely, indenture of sale dated 15.02.1908, agreement executed on 15.02.1908 and certified copy of patta. On submission of necessary records, no further action was taken by fourth respondent and the petitioner-



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Society presumed that the matter was closed. Thereafter, on 01.07.2022, the petitioner received an enquiry notice from the third respondent wherein an order of this Hon'ble Court made in W.P.No.10703 of 2022 filed by the sixth respondent herein was referred to and the petitioner was called upon to appear for an enquiry on 12.07.2022. Even though the petitioner appeared before the respondents and submitted the requisite documents, the third respondent passed the impugned order erroneously holding that the petitioner-Society has not filed any documents to establish their title over the land in question. Challenging the said impugned order, the present writ petition has been filed.

3. Learned Senior counsel for the writ petitioner-Society submits that there is a clear cut sale deed in favour of the writ petitioner, without even considering the same, the impugned order has been passed. Learned Senior counsel for writ petitioner submits that earlier a writ petition has been filed by sixth respondent herein vide W.P.No.10703 of 2022 seeking a mandamus to direct the third and fourth respondents therein to carry out the order passed by the second respondent dated 18.09.2019 and issue patta in



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the name of the sixth respondent herein and his family members for the subject matter property. Learned Senior counsel further submitted that this Hon'ble Court had dispensed with the notice to the petitioner herein, who was arrayed as sixth respondent therein since no adverse order is passed against the sixth respondent therein and disposed of the same on 28.04.2022 with the following directions :

'6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the second and third respondents to implement the orders passed by the first respondent in Na.Ka.E.1/2111/2018 dated 30.11.2019 and the consequential order passed by the fourth respondent in Na.Ka.No.5/10246/18 (Ni.Aa) dated 18.09.2019 and after giving an opportunity of hearing to the petitioner and 6th respondent herein, pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.'

4. Learned Senior counsel for writ petitioner submits that learned single Judge of this Court has passed the order in earlier writ petition without even issuing notice to the sixth respondent therein (writ petitioner herein). Further, even in the impugned order despite the writ petitioner



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produced all the documents, the authority has mentioned that no document has been produced.

5. Learned Advocate General submits that an appeal remedy is available to the writ petitioner, however, without filing the same, the writ petitioner has come forward to approach this Court by way of filing the present writ petition. He further submits that the earlier order in W.P.No.10703 of 2022 was passed only to survey the property and not to decide the title of the property.

6. On a perusal of the records, it is seen that the impugned order itself says that the writ petitioner has not produced any documents regarding the title of the property. Learned Senior counsel for writ petitioner submits that even though the writ petitioner has produced all the documents, the authority has mentioned in the impugned order that no document has been produced by the writ petitioner and hence, the impugned order is liable to be set aside.



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7. Accordingly, this Writ Petition is allowed. The impugned order dated 31.03.2023 bearing reference Na.Ka.No.J7/18055/2021 is set aside and matter is remitted back to the third respondent to pass fresh orders on merits and in accordance with law, after considering all the documents that have already been filed by the writ petitioner and after affording an opportunity to both parties. Both the parties are directed to submit all documents with representation, if any and based on such representation to be filed, after affording opportunity to both parties, the third respondent is directed to complete the whole exercise on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

30.10.2023

Speaking/Non-speaking order

Index:Yes/No

Neutral Citation : Yes/No

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mk

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To

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