



W.A.No.3343 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.3343 of 2023

The Theosophical Society
Rep. by its General Manager
K.Jaikumar, Adyar
Chennai 600 020.

.. Appellant

Vs.

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.

Page 1 of 7



W.A.No.3343 of 2023

WEB COPY

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

6. Faiza Ahmed .. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 30.10.2023 in W.P.No.30993 of 2023

For the Appellant : Mr.A.L.Somayaji
Senior Counsel
for Mr.V.Perumal
For the Respondents : Mr.R.Shunmugasundaram
Advocate General
assisted by Mr.T.K.Saravanan
Government Advocate
and Ms.A.G.Shakeena
for R1 to R5

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Heard Mr.A.L.Somayaji, learned Senior Counsel appearing for Mr.V.Perumal, learned counsel for the appellant and Mr.R.Shunmugasundaram, learned Advocate General assisted by Mr.T.K.Saravanan, learned Government Advocate and Ms.A.G.Shakeena, learned counsel for respondents 1 to 5.



W.A.No.3343 of 2023

WEB COPY

2. The present appellant has filed a writ petition, challenging the order dated 31.03.2023 passed by the District Revenue Officer. Under the said order, the District Revenue Officer had directed the Tahsildar, Velachery, to closely compare all the lands in possession of the Theosophical Society with the pre-city land survey map and get necessary report from the concerned Registration Department to take immediate steps to recover the Government lands, if there are any. It was observed in the said order that the appellant has not produced any documents to substantiate its claim. The learned Single Judge, under the impugned order, set aside the said order and remitted the matter to the District Revenue Officer to decide it afresh.

3. Learned Senior Counsel for the appellant submits that the District Revenue Officer cannot decide the issue of title. The appellant Society was incorporated in the year 1905 under the Societies Registration Act, 1860. The appellant is the owner of the property pursuant to the sale deed. Earlier, a writ petition was also

Page 3 of 7



W.A.No.3343 of 2023

filed by respondent 6 bearing W.P.No.10703 of 2022 seeking a mandamus to direct the respondents 3 and 4 therein to carryout the orders passed by respondent 2 therein and issue patta in the name of respondent 6. In the said matter, the presence of the appellant was dispensed with. The Court only directed the respondents therein to implement the orders.

4. According to the learned Senior Counsel, the Collector has already passed an order on or about 21.01.2017 to the effect that as per the Town Survey, the name of Theosophical Society is registered in the adangal column. The District Revenue Officer could not have traveled beyond the said order of the Collector.

5. The learned Single Judge has set aside the order passed by the District Revenue Officer against the appellant and has remitted the matter back to give opportunity to the appellant to produce the documents and further directed the District Revenue Officer to decide the same on its own merits within a period of two months. Naturally, the District Revenue Officer would be required to consider



W.A.No.3343 of 2023

WEB COPY

the stand taken by the appellant, including the contention as to the authority of the District Revenue Officer to decide the question of title or of such other contentions to be raised by the appellant.

6. In light of the above, we are not inclined to entertain the appeal. As directed by the learned Single Judge, the appellant may produce all documents on record and put forth its stand. The District Revenue Officer certainly would be required to consider the stand of the appellant and other parties before taking the decision on its own merits.

7. The writ appeal, as such, stands disposed of. There will be no order as to costs. Consequently, C.M.P.Nos.27291 and 27292 of 2023 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

07.12.2023

Index : Yes/No
Neutral Citation : Yes/No

drm

Page 5 of 7



W.A.No.3343 of 2023

WEB COPY

To

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



WEB COPY



W.A.No.3343 of 2023

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(drm)

W.A.No.3343 of 2023

07.12.2023