



WEB COPY



W.P.No.23692 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

CORAM:

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

W.P.No.23692 of 2012
and MP.No.1 of 2011

Dharma Medical Research and Charitable Trust,
No.48, Grand West Trunk Road,
Sriperumbudur 602 105.
Kancheepuram District
Tamil Nadu
Rep.by its Trustee

... Petitioner

Vs.

- 1.The Revenue Divisional Officer
Thiruperumbudur & Post,
Kancheepuram District.
- 2.The Tahsildar
Thiruperumbudur & Post,
Kancheepuram District.
3. Lakshmi Prabhana Ramanujadoss Trust,
Attached to Arulmigu Adhikesava Perumal &
Bashyakara Swami Thirukoil,
Rep. By its Executive Officer,
Sriperumbudur-602 105
Kancheepuram District.
4. Arulmigu Adhikesava Perumal &



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Bashyakara Swami Thirukoil,
Rep. By its Executive Officer,
Sriperumbudur-602 105
Kancheepuram District.

5. International Sri Vaishnava Dharma
Sumrakshana Society represented
by its President
Swamy Govinda Ramanujadasa
No.33, Mahalingapuram Main Road,
Nungambakkam, Chennai-34.
(R3 to R5 impleaded as per order dated 10.07.2013 by KKSJ in
M.Ps.No.1 & 2/2013 in W.P.No.23692 of 2012) ... Respondents

Prayer: This Writ petition has been filed under Article 226 of the
Constitution of India, praying to issue Writ of Mandamus, forbearing
respondents from taking any action under the Tamil Nadu Patta Pass
Book Act, 1983 pursuant to the notices dated 17.07.2012 and 25.07.2012
on the file of the first respondent.

For petitioner : Mr.V.Selvaraj

For Respondents : Mr.U.Baranidharan
Additional Government Pleader for R1 & R2
: Mr.A.K.Sriram
Senior Counsel for M/s.A.S.Kailasam &
Associates for R3 and R4

: R5 No appearance
ORDER



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This Writ Petition is filed seeking for a Mandamus forbearing respondents from taking any action under the Tamil Nadu Patta Pass Book Act, 1983 pursuant to the notices dated 17.07.2012 and 25.07.2012 on the file of the first respondent.

2. The learned counsel for the petitioner would submit that the petitioner are founder trustees of Dharma Medical Research and Charitable Trust. The trust has established two institutions namely Dharma Ayurveda Medical College and Velumailu Siddha Medical College at 48, Grand West Trunk Road, Sriperumbudur, Kancheepuram District. Both institutions have been recognized by the Government of Tamil Nadu, Central Council of Indian Medicine and are affiliated to Dr.MGR Medical University. The said institutions were established after obtaining necessary permission from the Government of Tamil Nadu and approval from the Central Government and other relevant authorities. A portion of the property where the colleges are situated was purchased by the Dharma Medical Research and Charitable Trust from the Trustee of Lakshmi Prabanna Ramanuja Doss Trust represented by its Trustee late Sri Mahant Damodhar Dass by way of two sale deeds dated 03.05.2001 and 30.08.1997 by Document Nos.1911 of 2001 and 4905 of 1997 on the



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file of District Registrar, Madras South and Lease Deed dated 16.09.1997

registered as Document No.4906 of 1997 on the file of District Registrar,

Chennai South. The total extent of the land obtained by the petitioner's institution is 16.40 acres and thereafter, the revenue records are mutated in their favour and subsequently a portion of land was acquired by the National Highways Authority under the National Highways Act and the Sub-Court, Kancheepuram passed an order in LAOP No.123 of 2007 dated 03.10.2008 holding that the Dharma Medical Research and Charitable Trust alone is entitled to the compensation and dismissed the claim made by the (1) Sri Ram Prabhanachar and (2) Dinesh Diwari. Aggrieved by the dismissal of the LAOP.No.123 of 2007, Sri Ram Prabhanachar has filed A.S.No.760 of 2009 and Dinesh Diwari has filed A.S.No.328 of 2010 before this Court against and the same are pending and for the very same properties, there are several disputes are pending before the Civil Courts. While so, the Lakshmi Prabhana Ramanujadoss trust has made a complaint before the Revenue Divisional Officer on 30.11.2001 and for which the Tahsildar and the Revenue Divisional Officer send a summon to the petition. Aggrieved by the same, the present Writ Petition is filed.



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3. The learned counsel for the petitioner would submit that once the Revenue records mediated in favour of petitioners by the petitioner Tahsildar, it has to be cancelled or modified only by the Tahsildar as per Section 10 of the Act, however, the Temple made a complaint before the Revenue Divisional Officer is not sustainable one. Accordingly, he prayed for quashment of the summon issued by the Revenue Divisional Officer.

4. Learned counsel for the Temple fairly submitted that this Court may grant liberty to the Temple to file appropriate application before the Tahsildar as per Section 10 of the Tamil Nadu Patta Pass Book Act, 1983 and if such an application is filed, the Tahsildar may be to directed to conduct enquiry and pass appropriate order.

5. In view of the consent expressed by the learned counsel for the petitioner and the learned counsel for the Temple, the summon issued by the Revenue Divisional Officer is set aside and liberty is granted to the Temple authorities to make appropriate application before the Tahsildar as per Section 10 of the Tamil Nadu Patta Pass Book Act, 1983 and Tahsildar is directed to hear the petitioner as well as the Temple



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authorities and pass appropriate orders within a period of twelve weeks thereafter.

6. Accordingly, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No



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M.DHANDAPANI J.

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