



W.P.No.7771 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01..07..2024

Coram

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Writ Petition No.7771 of 2024

N.Nasreen Begum,
Rep. by its Power of Attorney,
Mr.Mohamed Nassar

..... Petitioner

-Versus-

- 1.The District Collector,
Collector Office,
“Ma Singaravelar Maaligai”
Rajaji Salai, 4th Floor,
No.62, George Town,
Chennai 600001.
- 2.The Thasildar,
Purawalkam Taluk,
No.3, Rajamuthiah Road,
Kannappar Tidal, Periyamedu,
Cennai 600003.
- 3.The Sub Registrar,
Periamet, Chennai 600003.



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

..... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to delete the erroneous entry “Temple Lands Exempted” in the PATTA uploaded Online in the Column “Nature of the Property” and enter the correct entry “Free Hold” as it prevailed earlier and issue the rectified PATTA to the petitioner considering the representation of the petitioner dated 29.01.2024 so as enable the petitioner to present the Power of Attorney Deed dated 07.01.2024 or any other document for registration pertaining to the property, the House and Ground Premises bearing Old Door No.33, New NO.16, Pulianthope 5th Street, also known as Dr.Ansari Street, Pulianthope, Chennai 600 012, comprised in C.C. No.684 (part), O.S.No.357 and 367 (part), R.S.No.1736/2, present R.S.No.1736/5 and as per patta R.S.No.1736/162, Block NO.39 of Vepery Revenue Village measuring an extent of 1200 square feet (111.48 square meter) before the 3rd respondent.

For Petitioner : *Mrs.Karthikaa Ashok*

For Respondent (s) : *Mr.P.Sathish,*
AGP for RR1 & 2
Mr.L.S.M.Hasan Fizal,
AGP for R3



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For Petitioner : Mrs.Karthikaa Ashok
Mr.S.Ravichandran,
AGP (HR & CE) for R4

ORDER

This writ petition has been filed seeking a writ in the nature of mandamus, directing the respondents 1 and 2 to consider the representation of the petitioner dated 29.01.2024 requesting to delete the erroneous entry “Temple Lands Exempted” in the PATTA uploaded Online in the Column “Nature of the Property” and enter the correct entry “Free Hold” as it prevailed earlier and issue the rectified PATTA to the petitioner.

2. The case of the petitioner is that she is the absolute owner of the property – house and ground premises bearing Old Door No.33, New No.16, Pulianthope 5th Street also known as Dr.Ansari Street, Pulianthope, Chennai 600 012, comprised in C.C. No.684 (part), O.S.No.357 and 367 (part), R.S.No.1736/2, present R.S.No.1736/5 and as per patta R.S.No.1736/162, Block No.39 of Vepery Revenue Village measuring an extent of 1200 square feet (111.48 square meter) which is the subject property having purchased the same



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from one Katheeja.B and two others by virtue of sale deed dated 28.03.2012 registered as Doc.No.613/2012 on the file of the office of the Sub Registrar, Periamet, Chennai. The subject property was originally owned by one P.P.Rathinasabapathy Mudaliar and after his death, his legal heirs sold the same to Katheeja and two others to one Mrs.S.Meenatchi and from whom she purchased the same. Even since the date of purchase, she has been in possession and enjoyment of the subject property. The patta which was originally issued in the name of the predecessors in title of the petitioner, the tenure of the property was shown as free hold. The name of the vendor of the petitioner was included in the patta. However, in the computer patta, there was an erroneous entry made to the effect as if the land belongs to the temple. In this regard, she gave a representation dated 29.01.2024 seeking to set right the mistake crept in the online patta. The grievance of the petitioner is that her representation has not seen the light of the day till now. Hence, this writ petition.

3. The 2nd respondent filed a counter affidavit admitting various sales transactions in respect of the subject property but, inter alia contending that in the public records, the subject land has been classified as temple land and therefore, as per instructions of the superiors, patta cannot be issued in name of



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any individual.

4. Heard both sides.

5. The learned counsel appearing for the petitioner would submit that the temple was never the owner of the property. In all the previous patta proceedings the subject land is shown as free hold land.

6. Now, pending the said writ petition, the Tahsildar by his letter in Na.Ka.No.A1/346/2023 dated 28.02.2024 has clarified the said aspect that the subject land was originally registered in the records as Free Hold Land and not as temple land at any point of time.

7. The learned Government Advocate (HR & CE) appearing for the 4th respondent has not disputed the admission made by the 2nd respondent-Tahsildar that the subject land was never entered in the register relating to exempted temple lands and the subject land is a free hold land.

8. In the light of the admission made by the Tahsildar in his letter dated 28.02.2024 in Na.Ka.No.A1/346/2023 that the subject land was entered in the free holder register and subject land was never entered in the exempted temple lands register at any point of time, the 2nd respondent is directed to consider the



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representation of the petitioner dated 29.01.2024 and pass appropriate orders thereof on merits and in accordance with law clarifying the classification of the subject land as requested by the petitioner. The said exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

This writ petition is disposed of accordingly with the above directions. No costs.

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

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To

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- 4.The Commissioner, Department of Hindu Religious and Charitable
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