



W.P.Nos.7326 and 8448 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.Nos.7326 and 8448 of 2020 and
W.M.P.Nos.8755, 8756, 10171, 10172 &14793 of 2020

W.P.No.7326 of 2020

A.V.Rajan

...Petitioner

-Vs-

1. The Secretary to Government
Revenue Department
Secretariat, Fort St.George,
Chennai - 600 003.

2. The District Revenue Officer
Collector's Office,
First Line Beach, Parrys,
Chennai - 600 001.

3. The Tahsildar
Mambalam Taluk,
Bharathidasan Road,
West Jafferkhanpet,
Chennai - 600 083.

4. S.Manohar

... Respondents

W.P.No.8448 of 2020

The Idol of Sri Prasanna Venkatesa Perumal Thirukovil,
Represented by its Managing Trustee,



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Mr.J.Murali, Son of N.Janardhana Chetty,
Perumal Koil Street,
Mettupalayam, Chennai – 600 033.

...Petitioner

1. The Secretary to Government
Revenue Department
Secretariat, Fort St.George,
Chennai - 600 003.

2. The District Revenue Officer
Collector's Office,
First Line Beach, Parrys,
Chennai - 600 001.

3. The Tahsildar
Mambalam Taluk,
Bharathidasan Road,
West Jaffer Khanpet,
Chennai - 600 083.

4. Prasanna Venkata Narasimha Perumal Temple
Represented by its Managing Trustee,
S.Manohar,
Perumal Koil Street,
Saidapet, Chennai - 600 015.

...Respondents

Prayer in W.P.No.7326 of 2020: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the Town Survey Land Register extract dated 10.03.2020 in respect of the land at Survey No.82, Block No.81 in Mambalam Taluk Virugambakkam and to quash the same as illegal and without jurisdiction and to consequently direct that the name of the "Sri Prasanna Venkatesa Perumal Temple, Mettupalayam, Chennai - 600 033" be entered into the said T.S.L.R extract.



W.P.Nos.7326 and 8448 of 2020

Prayer in W.P.No.8448 of 2020: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call the records of the Town Survey Land Register extract bearing NIL and dated 10.03.2020 in respect of the land at New Survey No.82, Block No.31 in Mambalam Taluk, Virugambakkam and to quash the same as illegal and without jurisdiction and to consequently direct that the name of the "Sri Prasanna Venkatesa Perumal Temple, Mettupalayam, Chennai - 600 033" be entered into the said T.S.L.R extract bearing No. NIL and dated 10.03.2020.

For Petitioner
(in both W.Ps) : Mr. R. Harikrishnan

For R1 to R3 : Mr.K.Suresh
(in both W.Ps) Government Advocate

For R4 : Mr.L.Damodaran
(in both W.Ps)

COMMON ORDER

These writ petitions are filed to quash the Town Survey Land Register extract dated 10.03.2020 in respect of the land at Survey No.82, Block No.31 in Mambalam Taluk, Virugambakkam and the same as illegal and without jurisdiction and consequently direct that the name of the "Sri Prasanna Venkatesa Perumal Temple, Mettupalayam, Chennai - 600 033" be entered into the said T.S.L.R extract dated 10.03.2020.



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2. The case of the petitioner is as follows:-

2.1 The petitioner belongs to the Balija Chetty Community, a religious denomination, which has been granted exclusive right to manage the affairs of Arulmighu Prasanna Venkatesa Perumal Temple, Mettupalayam. The Sri Prasanna Venkatesa Perumal Temple, Mettupalayam, Saidapet is a religious denominational temple founded and exclusively managed by the Balija Chetty Community residing in and around the Mettupalayam area.

2.2. An extent of 2.94 acres of vacant agricultural land situated in Survey No. 82, Block No. 31 in Mambalam Taluk, Virugambakkam was donated to the Sri Prasanna Venkatesa Perumal Temple, Mettupalayam by one Rangasayi Venkatesa Chetty vide a registered deed dated 04.06.1901 registered as Document No. 872 of 1901 on the file of the Sub-Registrar, Saidapet. For over 100 years, the temple has been in peaceful enjoyment and possession of the said land.



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2.3. There exists another temple belonging to the Baliya Chetty

Community in the same neighborhood viz., **“Prasanna Venkata Narasimha Perumal Temple Thirukovil, Saidapet”**. The distance between the two temples is hardly 2 kms. This temple is administered by the Managing Committee headed by one S.Manohar Chettiar/fourth respondent. On 22.02.2020, the petitioner was shocked and surprised to see a Board placed on the land bearing a Town Survey Land Register extract baselessly claiming that the land at Survey No. 82, Block No. 31 in Mambalam Taluk, Virugambakkam belonged to Sri Prasanna Venkata Narasimha Perumal Temple Thirukovil, Saidapet.

2.4 Upon enquiries, the petitioner was shocked to find that Monohar Chettiar had illegally got the TSLR entries changed to reflect, as though the lands belonged to the Sri Prasanna Venkata Narasimha Perumal Temple Thirukovil, Saidapet. The petitioner immediately obtained a copy of the TSLR extract whereupon, the petitioner was shocked to find that the third respondent has unilaterally altered the name of the temple from **“Sri Prasanna Venkatesa Perumal Temple, Mettupalayam to Sri Prasanna Venkata Narasimha Swamy”**. It is clear that the Monohar Chettiar is



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deliberately attempting to take advantage of the similarity in names to knock off these lands. The TSLR extract has been illegally manipulated, without issuing prior notice to the Trustees of the Sri Prasanna Venkatesa Perumal Temple or to the Baliya Kula Devasthanam Dharmapariपालana Sabha. Aggrieved by the same, the petitioner has come forward with the present writ petition to quash the impugned TSLR extract.

3. The learned counsel for the petitioner submitted that name of the temple is wrongly mentioned as Sri Prasanna Venkata Narasimha Perumal Temple in the above said Town Survey Land Register extract dated 10.03.2020 issued by the third respondent/Tahsildar, but the correct name of the temple is Sri Prasanna Venkatesa Perumal Temple, Mettupalayam and also submitted that the property with an extent of 2.94 acres of vacant agricultural land situated in Survey No. 82, Block No. 31 in Mambalam Taluk, Virugambakkam belongs to Sri Prasanna Venkatesa Perumal Temple, Mettupalayam.

4. The learned counsel appearing for the fourth respondent has filed additional counter affidavit in W.P.No. 8448 of 2020 and relevant portion is



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extracted herein for better appreciation and understanding:-

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“2. I state that the petitioner temple has filed the present writ petition in respect of error crept in the Town Survey land Register in respect of the property admeasuring 2.94 acres of vacant agricultural land situated in Survey No. 82, Block No. 31, Mambalam Taluk, Virugambakkam Town of the petitioner temple.

3. I further submit that the new set of Trustees have been elected in pursuant to the order of the High Court and assumed the office in the year 2021. On verification of the property register of the 4th respondent temple, we came to know that the property referred by the petitioner temple does not belong to the 4th respondent temple. The earlier counter was filed by the then trustee on mis-conception. Hence the additional Counter has been filed to clarify the fact that the property admeasuring an extent of 2.94 acres of vacant agricultural land comprised in Survey No. 82, Block No. 31, Mambalam Taluk, Virugambakkam Town does not belong to the 4th respondent temple.

5. The learned Government Advocate appearing for the respondents 1 to 3 submitted that since there is dispute regarding the patta, the appropriate authority to enquiry into this, is the Revenue Divisional Officer and appeal may be preferred by the petitioner before the Revenue Divisional Officer.



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6. It is also submitted by the learned counsel appearing for the petitioner that patta stands in the name of Trustee as well as Temple. Hence, joint appeal has to be preferred before the jurisdictional Revenue Divisional Officer.

7. Heard both sides and perused the materials available on record.

8. In view of the above submission made by the learned counsel on either side, the petitioners in both writ petitions are directed to file joint appeal before the Jurisdictional Revenue Divisional Officer within a period of four weeks from today.

9. These writ petitions are disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

18.06.2024

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Index:Yes/No

Speaking Order : Yes/No

Neutral case citation: Yes/No



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To

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