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W.P.No.22518 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.22518 of 2024

I.Madhubala

... Petitioner

vs.

1.The District Collector,
Chennai District, Chennai.

2.The Tahsildar,
Egmore-Nungambakkam Taluk,
Chennai – 600 031.

3.The Hindu Religious and Charitable Endowment Board,
Rep. by its Commissioner,
No.119, Uthamar Gandhi Street,
Thousand Lights West,
Nungambakkam, Chennai – 600 034.

4.The Executive Officer,
Arulmighu Komaleeswarar Devastanam,
No.8, Koil Street, Komaleeswaranpet,
Pudupet, Chennai – 600 002.

5. The Joint Commissioner,
Chennai Division – I,
The Hindu Religious and Charitable Endowment Board,
DPI Campus, 9th Floor,
College Road, Nungambakkam, Chennai – 600 006.



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6.The Assistant Revenue Officer,
Zone-V, Revenue Department,
Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai – 600 021.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents, particularly respondents 1 and 2 to consider his representation dated 26.06.2024, sent for issuance of patta in his favour for the property, situated at No.66 (Old No.82, then Old No.70), Harris Road (Adhithanar Salai), Pudupet, Chennai – 600 002, comprised in Survey No.1053 (Old S.No.272) to an extent of 1 ground and 2058 sq.ft., out of 2 grounds and 2128 sq.ft.

For Petitioner : Mr.R.Thanjan

For Respondents : Mr.S.J.Mohamed Sathik
Government Advocate for R1&R2
Mr.N.R.R.Arun Natarajan
Special Government Pleader
(HR and CE) for R3 to R5
Mr.S.Gopinathan
SC for GCC for R6

ORDER



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The petitioner herein seeks a direction to the respondents to consider his representation dated 26.06.2024 seeking issue of pata in respect of the property comprised in Survey No.1053 (Old S.No.272), Harris Road (Adhithanar Salai), Pudupet, Chennai – 600 002.

2. It is the case of the petitioner that the petitioner and his predecessor in interest have been in possession and enjoyment of the said property for more than 100 years and based on the long possession, she made a representation seeking issue of patta.

3. The learned counsel appearing for the respondents 3 to 5 submit that in respect of the very same property, a Civil Suit was filed by the 5th respondent/Devasthanam seeking recovery of possession against its tenant V.S.Anand in O.S.No.7902 of 1974 and the same was decreed. The said judgment and decree was confirmed in Second Appeal by this Court. In the Execution Proceedings initiated by temple in E.A.No.639 of 1992, petitioner's father A.Ismail and others filed obstruction petition claiming themselves as tenants of the building allegedly put up by the defendant in the suit. The objection raised by A.Ismail and others was overruled and the



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Execution Proceedings was allowed in favour of the temple. Aggrieved by the same, the petitioner's predecessor in interest Ismail and one Zackria filed CMSA.Nos.26 and 27 of 1995 and the same were dismissed for default by order dated 29.10.2010. Therefore, the perusal of the typed set of papers filed by learned Special Government Pleader appearing for the respondents 3 to 5 would establish the predecessor of petitioner Ismail suffered an order before the Civil Court negating his claim over the said property.

4. In these circumstances, this Court is not inclined to give any direction to the respondents to consider the representation of the petitioner seeking issue of patta by taking into consideration her alleged long possession of the subject property.

5. Accordingly, this writ petition stands dismissed. No costs.

04.09.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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To
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S.SOUNTHAR, J.

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