



WA No.1193 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WA No.1193 of 2023

1.K.Dhanalakshmi
2.K.Vasanth
3.K.Devi
4.K.Pushpalatha
5.K.B.Rajendran

: Appellants

versus

1.Arulmighu Dharmaraja Temple
rep. By its Dharmakarthas/Fit person

2.M.D.Kasthuri
3.M.D.G.Raj Kumar
4.M.D.Balaji

5.The District Collector,
Chennai District,
Singaravelan Maligai 600001

6.The Tahsildar,
(Previous Fort Tondiarpet Taluk)
now Purasaiwakkam taluk office,
Chennai 600003

7.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai 3



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8.The Commissioner,
Hindu Religious and Charitable Endowments Board
N.H.Road, Chennai 34

9.The Deputy Commissioner,
Hindu Religious and Charitable Endowments Board
N.H.Road, Chennai 34 : Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge in WP No.9691/2011 dated 27.07.2022.

For Appellants	:	Mr.K.B.Rajendran, party-in-person
For Respondent No.1	:	Mr.R.Bharanidharan
For Respondents 2 to 4	:	Mr.V.Deenadayalan
For Respondents 5 & 6	:	Mr.A.Edwin Prabhakar, State Government Pleader
For Respondent No.7	:	Mr.A.Arun Babu
For Respondents 8 & 9	:	Mr.N.R.R.Arun Natarajan

JUDGMENT

(Made by the Hon'ble Chief Justice)

We have heard Mr.K.B.Rajendran, party-in-person, for himself and other appellants; Mr.R.Bharanidharan, learned counsel appearing for the first respondent, Mr.V.Deenadayalan, learned counsel appearing



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for respondents 2 to 4, Mr.A.Edwin Prabhakar, learned State Government Pleader, appearing for respondents 5 and 6, Mr.A.Arun Babu, learned counsel appearing for respondent No.7, Mr.N.R.R.Arun Natarajan, learned counsel appearing for respondents 8 and 9.

2. The present appeal is filed against the order passed by the learned Single Judge in WP No.9691/2011 dated 27.07.2022. The present appellant had filed the writ petition seeking directions against respondents 7 to 9 to pass necessary modification orders for modifying the revenue records in favour of the first respondent/temple.

3. Party-in-person submits that the property is owned by the first respondent/temple. Patta has been fraudulently taken in the name of a private person. Therefore, patta requires to be modified in the name of the temple. Civil suit is pending before the civil court, so also appeal before the Rent Control Appellate Authority. He further submits that respondents 2 to 4 are the encroachers and they do not have any right. They are claiming through one Devaraj, who is not the owner of the subject land.



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4. Learned counsel for respondents 8 and 9 submits that the land is owned by the temple. Fit person is appointed and he would approach the District Revenue Officer for mutating the land in the name of the temple.

5. Learned counsel for respondents 2 to 4 submits that respondents 2 to 4 are the legal heirs of Devaraj and they are maintaining the property.

6. Learned Single Judge, in the impugned order, has observed that the appellants are at liberty to raise all the grounds in the pending proceedings. Therefore, the appellants can agitate all the grounds available to them in the pending proceedings.

7. We do not find any error committed by the learned Single Judge in passing the impugned order. It is for the appellants to get the suit decided. They may request the trial court for expeditious disposal of the suit; so also the Rent Control Appellate Authority where the appeal is pending.



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8. The writ appeal stands disposed of. There shall be no order as to costs. Consequently, CMP Nos.21667 and 21679 of 2023 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
tar

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