



W.P.No. 35376 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 28.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 35376 of 2024

and

W.M.P.No.38258 of 2024

1. S.Kumar
2. M.Ruckmani
3. K.Sampath
4. S.Harinandan
5. S.Keerthana

... Petitioners

Vs

1. The District Collector,
Singaravelar Maligai,
62, Rajaji Salai,
Chennai 600 001.
2. The Assistant Director of Survey and Land Records,
Directorate of Survey and Settlement,
Central Survey Office,
Survey House, P.W.D Estate,
Chepauk, Chennai 600 005.
3. The Commissioner,



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Hindu Religious and Charitable Endowment Board,
119, Uthamar Gandhi Salai, Nungambakkam,
Chennai 600 034.

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4. The Joint Commissioner,
Chennai Zone-II,
Hindu Religious and Charitable and Endowment Board,
No.130, R.K.Madam Salai,
Mylapore, Chennai 600 004.
5. The Revenue Divisional Officer,
Central Chennai Division,
Thirumangalam, Chennai.
6. The Tahsildar,
Aminjikarai Taluk,
Chennai 600 029.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider and dispose of the petitioners' representation dated 07.06.2024 and consequently directing the respondents 1, 2, 5 and 6 to remove the block of patta and mutate the revenue records in favour of the petitioners by updating their name in the patta by removing patta in the name of Ekambareswarar Koil Devasthanam in pursuant to the property bearing Door Nos. 1/7, 3/7 and 5/7 Mangaliamman Koil Street, Aminjikarai, Chennai -600 029 in T.S.No.18, S.No.70/5 Block No.30, Aminjikarai Village total to an extent of 3 Ares and 62 Sq.Meter within the stipulated time as prescribed by this Court.



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For Petitioners : Mr.R.Balaguru Swamy
For Respondents 1,2
5 and 6 : Mr.A.Selvendran
Special Government Pleader
For respondents 3 and 4: Mr.K.Karthikeyan
Government Advocate

ORDER

The above writ petition is filed for the following relief:

“To issue a writ of mandamus directing the respondents to consider and dispose of the petitioners' representation dated 07.06.2024, and consequently directing the respondents 1, 2, 5, and 6 to remove the block of patta and mutate the revenue records in favour of the petitioners by updating their name in the patta by removing the patta in the name of Ekambareswarar Koil Devasthanam in pursuant to the property bearing Door Nos. 1/7, 3/7, and 5/7 Mangaliamman Koil Street, Aminjikai, Chennai - 600 029, in T.S. No. 18, S.No. 70/5, Block No. 30, Aminjikai Village, totaling 3 Ares and 62 Sq.Meter within the time frame prescribed by this Court.”.



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2. The petitioner would submit that the subject property belonged to their grandmother, Saradhambal under the Sale Deed Dated 30.12.1965. The said Saradhambal died on 10.01.1998 leaving behind the petitioners and one Varalakshmi as her legal heirs. The petitioners partitioned the properties into 3 parts under a registered Partition Deed dated 02.03.1998 wherein the property measuring an extent of 1178 sq.ft was allotted to the 1st petitioner, the property measuring an extent of 1080 sq.ft was allotted to the 2nd petitioner and an extent of 1098 sq.ft was allotted to Geetha whereas Susheela and Varalakshmi were given cash consideration under the said partition.

3. The petitioner would further submit that since Ekambareswarar Koil Devasthanam had claimed a right to the property, prior to the petitioners' grandmother's purchase the other property owners in the same survey number had filed W.P.Nos.295 to 299 of 1964 before this Court and after hearing the parties, this Court had confirmed the title of



the petitioners therein and held that the land in S.No.70/2 alone belonged to the temple Devasthanam and not the land in Survey No.70/5. A suit O.S.No.44 of 1968 was filed against the petitioners' grandmother, the Devasthanam and other owners, on the file of the II Assistant Judge, City Civil Court, Chennai, in which the petitioners' grandmother's, title was once again confirmed. When the judgment and decree of the trial Court was challenged in A.S.No.182 of 1971 on the file of this Court, the title was upheld.

4. The petitioners would submit that despite the above orders, the patta has not been granted to them and therefore, they are unable to transfer the property. Despite several representations having been sent to respondents 1 to 3 to consider the representation to remove the block of patta and mutate the revenue records in their favour and to direct the 6th respondent to update the patta by deleting the name of the Temple Devasthanam. Since the representation has not been disposed of, the petitioner has approached this Court.



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5. The 5th defendant therein i.e the Temple Devasthanam had filed a detailed written statement in O.S.No.44 of 1968. The temple had taken a defense that the suit land belonged to the Temple Devasthanam and it was only the superstructure that belonged to the lessee. The temple had referred to an earlier suit O.S.No.37 of 1928 on the file of the District Munsif Court, Poonamallee which was filed against one Shanmugha Mudaliar and Vadivelu Mudaliar, who are the sons of Arumugham Mudaliar, the original lessee. The said suit had ended in a compromise with the defendants therein admitting the title of the Temple Devasthanam and agreeing to pay rent. The judgment and decree in O.S.No.44 of 1968 was taken up on appeal in A.S.No.182 of 1971 and this Court had confirmed the same by its judgment and decree dated 14.04.1977.

6. It appears that in another suit O.S.No.5995 of 2000, the temple had filed a suit for delivery of vacant possession, claiming title to the



property comprised in T.S.No.3 part Block No.30, Door No.235 and 235A measuring 2202 sq.ft, Poonamallee High Road, Aminjikarai. The suit was decreed in favour of the temple and the defendants therein were directed to deliver the vacant possession. This was taken up on appeal in A.S.Nos.240 of 2009 and 12 of 2010, which were also dismissed on 20.09.2011 with costs throughout against which a second appeal was preferred on the file of this Court in S.A.No.203 of 2013. By judgment and decree dated 25.06.2019, this Court had also dismissed the second appeal and held that the temple was the owner of the land and it was only the superstructure that belonged to the tenants. Further in W.P.No.16229 of 2016, this Court held that the property comprised in S.70/5 was that of the temple and a similar view had been taken in W.P.No.1726 of 2010 by another single Judge in his order dated 16.08.2021.

7. Therefore, in the light of the above decisions cited supra, the petitioners are not entitled to the relief claimed by them. Accordingly,



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the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
srn

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