



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3773 of 2025

Mr.J.Murali

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Chennai – 600 101.

2.The Tahsildar,
Mambalam Taluk,
Bharatidasan Road,
West Jafferkhanpet,
Chennai 600 083.

3.Prasanna Venkara Narasimha Perumal Temple
Rep. by its Managing Director
S.Manohar
Perumal Koil Street,
Saidapet, Chennai 600 015

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 1st Respondent to dispose the appeal filed by the Petitioner dated 11.07.2024 under section 12 of the Tamil Nadu Patta Passbook Act, 1983 within a time frame fixed by this Court.



For Petitioner : Mr.G.Harshavarthan for
Mr.E.Sharath Chandran
For Respondents : Mr.R.P.Muruganraja
Government Advocate for R1 and R2

ORDER

This writ petition has been filed for issue of writ of mandamus directing the 1st respondent to dispose of the appeal filed by the petitioner on 11.07.2024 under Section 12 of the Tamil Nadu Patta Passbook Act, 1983.

2.Heard Mr.G.Harshavarthan, learned counsel appearing on behalf of the petitioner and Mr.R.P.Muruganraja, learned Government Advocate appearing on behalf of respondents 1 and 2.

3.It is seen from records that there was an earlier round of litigation in W.P.Nos.7326 and 8448 of 2020 before this Court. During the pendency of these writ petitions, the 3rd respondent who was the 4th respondent in that writ petitions came before this Court and filed an affidavit and the same was dealt with at Paragraph No.4 of the order dated 18.06.2024, which is extracted hereunder:

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



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portion is extracted herein for better appreciation and understanding:-

"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."

4. After taking into account the above affidavit, the learned single Judge had directed the 1st respondent to deal with the request made by the petitioner. Pursuant to the same, the petitioner has filed an appeal before the 1st respondent which is pending.



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5. In the considered view of this Court, strictly speaking, there is no dispute as such to be decided by the 1st respondent in the light of the specific stand that has been taken by the 3rd respondent temple in the earlier writ petition. What needs to be done by the 1st respondent is to merely take into account the stand taken by the 3rd respondent temple and pass consequential orders. The same shall be done by the 1st respondent, within a period of four weeks from the date of receipt of copy of this order.

6. This writ petition is disposed of with the above directions. No Costs.

07.02.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

1. The Revenue Divisional Officer,
Chennai – 600 101.



2. The Tahsildar,
Mambalam Taluk,
Bharatidasan Road,
West Jaffer Khanpet,
Chennai 600 083.



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N. ANAND VENKATESH, J.

SSR

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