IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 36309 of 2024
AND WMP NO. 39191 OF 2024

Yesodha,
W/o.Ramakrishnan, Row House,
No. 21,Ukn Esperaza, 2nd Phase,
Thubrahalli,Bangalore-560 066.

Petitioner(s)

Vs

1.The Commissioner,
Hindu Religious And Charitable
Endowments Departments,
Uthamar Gandhi Salai,
Nungambakkam, Chennai.

2.The District Collector,
Singaravelar Maaligai,
62 Rajaji Salai, Chennai-01.

3.The Revenue Divisional Officer,
Chennai Central Division, No.5-73,
Sh 112, Gandhi Nagar, Anna Nagar
West Extension, Chennai- 40.

4.The Tahsildar,
Mambalam Taluk, New No.1, Old
No.2, Bharathidasan Salai, K.K.Nagar,
Chennai 78.

5.Arulmigu Viyakrapureeswar Alias
Vengeshwarar Temple,
Rep By Its Hereditary Trustee,
Vadapalani, Chennai- 026.

Respondent(s)

PRAYER:-Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Certiorarified Mandamus, to call for records pertaining to TSLR extract dated 18.12.2014 issued in favour of the 5th respondent, to quash the same and to consequently restore the name of the petitioner in the TSLR for the property admeasuring 3600 Sq.ft situated in old Survey No.5/1, T.S. No.39, Block No.11, Kodambakkam village, Chennai.

For Petitioner(s): Mr.R.Sanjay

For Respondent(s): Mr.S.Ravichandran
Additional Government Pleader
(HR & CE) For R1 & R5
Mr.C.Gowthamaraj
Government Advocate
For R2 to R4

ORDER

This writ petition has been filed challenging the cancellation of TSLR stood in the name of the petitioner vide order 18.12.2014.

2.Learned counsel for the petitioner would submit that in the present case the subject property was purchased by the petitioner from one Rathinavelu Thambirar vide sale deed dated 04.07.1970 and thereafter, the revenue records were mutated in the name of the petitioner. The said Rathinavelu Thambirar purchased the subject property from the 5th respondent/Temple and the 5th respondent sold the subject property after obtaining permission from the

Commissioner under Section 34 of the Hindu Religious and Charitable Endowments Act, 1959. While so, the 4th respondent/Tahsildar has cancelled the patta stood in the name of the petitioner and mutated the TSLR extract in the name of the 5th respondent Temple on 18.12.2014, without conducting any enquiry. Further, the 4th respondent has no authority to cancel the patta and only the Revenue Division Officer has power to cancel the patta. Hence, the present writ petition has been filed.

3.Learned Additional Government Pleader (HR & CE) appearing for the respondents 1 and 5 would submit that the subject property was sold without following the proper procedure and therefore, the patta was rightly cancelled and TSLR extract was mutated in the name of the 5th respondent.

4.Heard the learned counsel for the petitioner; learned Additional Government Pleader (HR & CE) appearing for the respondents 1 & 5 and learned Government Advocate appearing for the respondents 2 to 4.

5.Upon hearing the above submissions and upon perusal of records, this Court is of the view that the first issue to be decided in the present case is that whether the 4th respondent/Tahsildar has power to cancel the patta. Ultimately, the Tahsildar has no power to cancel the patta only the Revenue Division Officer has power to cancel the patta.

6.The second issue is that according to the petitioner in the year 1970 itself the 5th respondent sold the subject property after obtaining permission from the Commissioner under Section 34 of the Hindu Religious and Charitable Endowments Act, 1959. However, according to the 5th respondent the subject property was sold in the year 1970 without following proper procedure. Even assuming that the 5th respondent has right over the subject property and the property was sold without following the due procedure, the 5th respondent ought to established their right by filing a civil suit. Since the property was sold by executing a sale deed, now the 5th respondent cannot raise the issue that it was sold without following due procedure and the 4th respondent has cancelled the patta stood in the name of the petitioner without any Power. For the foregoing reasons, the impugned order is not sustainable and it is liable to be quashed.

7.Accordingly, the impugned order dated 18.12.2014 is hearby quashed. It is up to the 5th respondent to establish their title in the manner known to the law. Since the mutation of TSLR extract dated 18.12.2014 is quashed, automatically, the original patta which stood in the name of the petitioner is enforced.

8.In the result, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

22-04-2026

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Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

To

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