



WEB COPY

WA No. 1370 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WA No. 1370 of 2023

and

CMP No.13416 of 2023

1. A.K.Rajendran
S/o. A.Krishnamoorthy, No27, Middle Street,
Kadambuliur, Panruti Taluk, Cuddalore
District.
2. S.Manikandan
S/o. Soodamani, Door No.15, West Street,
Kadambuliur, Panruti Taluk, Cuddalore
District.
3. S.Thiyagarajan
S/o. P. Seethapathy, Door No.678,
Kumbakkonam Main Road, Kadambuliur,
Panruti Taluk, Cuddalore District.

..Appellant(s)

Vs

1. The District Collector
Cuddalore District, Cuddalore.
2. The Block Development Officer
Panruti, Cuddalore District.
3. The Tahsildar
Panruti, Cuddalore District.
4. P. Muthaiyar
S/o.Palani, Setti Street, Melmampattu,
Kadampuliur Post, Panruti Taluk, Cuddalore
District.

..Respondent(s)



WA No. 1370 of 2023

To set aside the order passed in WP No.10255/2019 dt.
20.12.2021 by allowing the WA

WA No. 1370 of 2023

For Appellant(s): Mr.N.Umapathi

For Respondent(s): Dr.S.Suriya,
Addl.G.P. for R1 to R3
No appearance for R4

Judgment

(Judgment of the Court was delivered by S.M.Subramaniam J.)

The present writ appeal has been instituted challenging the writ order dated 20.12.2021 passed in W.P.No.10255 of 2019.

2. The present intra Court Appeal has been instituted by three villagers by obtaining leave from this Court. The 4th respondent P. Muthaiyar filed a writ petition to forbear the official respondent from constructing Angawadi Centre in patta property situated at S.No.4539/4 Old No.118 in Patta No.599 to an extent of 0.43.5 ares situated at Vannakulam, Kadampuliyur, Cuddalore District.

3. Learned Single Judge, based on the statement of the 4th respondent who is the owner of the land, granted the relief restraining the official respondent from constructing Angawadi Centre except due process of law.



4. Learned counsel for the appellant would draw the attention of this Court to the counter filed by the Block Development Officer, Panruti. The relevant paragraphs of the counter affidavit reads as under:

7. I submit that the survey no.539/4 old survey no.118, is classified as "Thaneer Pandhal dharmam tharkala nambagar" and it is private temple as per revenue record and judgment and decree of O.S.No.67 of 1953 and as per our enquiry is not an HR&CE temple.

8. I submit that the Government had constructed a Anganwadi Building up to roof level, while the construction activity was going on, the 4th respondent, without villagers as a party got an interim 'Status Quo' order dated by furnishing fabricated Patta No:599 in this patta he had inserted his father's name.

9. I submit that as per the Certificate dated 06-11-2019 issued by VAO. Kadambuliur, it was categorically stated that PATTA 1164 is for Survey Number 539/4 (Old S No:118) stands in VAO. Kadambuliur. But by suppressing these acts, the 4th respondent obtained an interim Status Quo order claiming that he is the owner of the lands. As per Patta No:1164, the revenue record shows that the land comprised in Survey No:539/4, measuring 0.40.5 Ares stands in the name of "Thanneer Panthal Dharmam". The 4th respondent name is not found in the revenue records and there is no title deed or documents to show that he is the owner of the property. The 4th respondent has stated that he is the owner of the land mentioned in Patta No.599. AS PER THE REVENUE RECORDS, PATTA NO:599 IS RELATED TO SURVEY NO.396/1 MEASURING 0.18.0 ARES WHICH



STANDS IN THE NAME OF ONE T.PAPPAMMAL. For the Survey No: 539/4 the relevant Patta number is 1164.

10. I submit that the Government will not be in a position to complete the building construction at the cost arrived earlier. Further, because of non-completion of the said building, the Government is unable to start the Angandavadi, as per their earlier Schedule. Further as on date, the building is not properly maintained and the building would go waste and the public money would go waste. Hence in the larger interest of justice & equity and for the benefit of the Villagers, it is prayed to this Hon'ble High Court to set aside the writ order. By allowing this appeal, the respondents would no way be prejudiced, the 4th respondent has furnished false & fabricated Patta and obtained an order. Because of which the Government is unable to complete the building construction, and if completed, those buildings would be utilized for public purpose only.

11. I submit that the records maintained in the village account which clearly shows that the new survey No.539/4, old survey No.118, belongs to Thanneer Panthal tharmam tharkala nambakar The patta No.599 was issued in the name of Pappanmal in respect of Survey No.396/1 to an extent of 18 ares and at present the above survey No.396/1 to an extent of 18 ares stands in the name of Sivakumar S/o Athimoolam as per patta No.2729.

5. The Block Development Officer, on verification of the revenue records, found that patta number stated by the 4th respondent /writ petitioner is incorrect and he is not the owner of the land. That apart, construction of Anganwadi Centre has been already commenced and on account of the



interim order, further, construction was stopped. Anganwade Centre was constructed for the benefit of the people residing in that village. The Block Development Officer, on verification of the records would state that the 4th respondent is not the owner of the subject land. Paragraph No. 9 of the counter affidavit would also show that the 4th respondent has erroneously stated the patta number.

6. These disputed fact regarding identity of land is to be resolved by approaching the competent Civil Court of law. In view of the fact that there is a dispute exists, this Court is inclined to interfere with the writ order. Accordingly, the order passed in W.P.No.10255 of 2019 dated 20.12.2021 is set aside. However, the 4th respondent/writ petitioner is at liberty to approach the competent Civil Court of law, if he claims any title/ownership in respect of the subject property. Accordingly, the Writ Appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (K.S.,J.)
26-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

VSI

To

1. The District Collector
Cuddalore District, Cuddalore.
2. The Block Development Officer
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3. The Tahsildar
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**S.M.SUBRAMANIAM J.
AND
K.SURENDER J.**

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