



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-06-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 18958 of 2026

and WMP.No.20232 and 20235 of 2026

1. M/s. Futnani Dairy Farm
Rep by its partner
Mr Madhusundan M. Futnani,
S/o Mohanalal Futnai,
No 1/115 old Mahabalipuram Road,
Semmencherry, Chennai 600 119.
2. Madhusudan M Futnani
S/o Mohanalal Futnai,
No 1/115 old Mahabalipuram Road,
Semmencherry, Chennai 600 119

..Petitioners

Vs

1. The Commissioner
Greater Chennai Corporation
Ripon Building,
Poonamallee High Road,
Chennai 600 003.
2. The Member Secretary
CMDA Chennai Metropolitan Development
Authrotiy,
thalamuthu Natarajan Maaligai,
No 1 Gandhi Irwin Raod,
Egmore Chennai 600 008
3. The Regional Deputy Commissioner (South)
Regional office (South),
Greater Chennai Corporation,
No 115 Dr. Muthulaksmi Salai,Adyar,
Chennai 600 020



4. The Zonal officer
Zone 15 (Sholinganllaur)
No 120, Rajaji Gandhi Salai,
Sholinganallur, Chennai 600 119

5. M/s New Era Urban Amentities Pvt Ltd
Rep by its Managing Director
Mr. S. thiyagaraja Chettiar,
Regd office No 44, Pantheon road,
Thiru complex, Egmore,
Chennai 600 008

6. S. Thiyagaraja Chettiar,
no 3 and 4th Floor Ceebros Centre,
no 44 Monteith Road, Egmore,
Chennai 600 008

..Respondent(s)

Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the Respondent Nos 1 to 4 to initiate appropriate action in the light of the representation sent on behalf of the petitioner dated 16.10.2025 and consequently direct the Respondents Nos 1 to 4 to execute the Deed of cancellation cancelling the Gift Deed bearing Document No 2177 of 1992 dated 26.05.1992 relating to lands comprised in Survey nos 53 to 62 64/1, 65/66 (Part) 60 and 61/1 in Semmencherry village, old Mahabalipuram road,chenani in all measuring an extent of 8187.41 Sq.Mtrs.

For Petitioner(s): M/s. Venkatesh Mohanraj

For Respondent(s): Mr.Abishek Murthy RR1, 3, 4

ORDER

This writ petition has been filed seeking a direction to the Respondent Nos 1 to 4 to initiate appropriate action in the light of the representation sent on behalf of the petitioner dated 16.10.2025 and consequently direct the

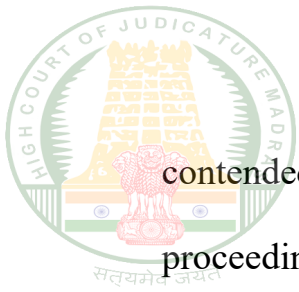


Respondents Nos 1 to 4 to execute the Deed of cancellation cancelling the Gift Deed bearing Document No 2177 of 1992 dated 26.05.1992 relating to lands comprised in Survey nos 53 to 62 64/1, 65/66 (Part) 60 and 61/1 in Semmencherry village, old Mahabalipuram road, chenani in all measuring an extent of 8187.41 Sq.Mtrs.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

3. The case of the petitioners is that they are the absolute owners of lands measuring 8187.41 Sq. mtrs in Semmencherry Village. The 5th respondent, with whom they had a limited arrangement, without authority, executed the impugned Gift deed gifting the portions of their lands for roads and open spaces. The project was never implemented, planning permitted lapsed on 31.07.1997 and MD of the 5th respondent is a proclaimed offender. The petitioners contend that the gift deed is *void an initio* as the 5th respondent was neither the owner nor had authority to alienate.

4. The learned counsel for the respondents raised a preliminary objection regarding the maintainability of the writ petition. It was submitted that the dispute essentially involves questions of title, validity of the gift deed, and authority of the executant, which are purely civil in nature. It was further



contended that disputed questions of fact cannot be adjudicated in writ proceedings under Article 226.

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5. This Court has carefully considered the rival submissions and perused the materials on record.

6. The core issue in the writ petition is whether the Gift deed Doc. No.2177 of 1992 executed by the 5th respondent is valid and binding on the petitioners. The determination requires examination of the following disputed questions of fact:

- 1. Whether the 5th respondent had any right, title or authority to execute the Gift deed in respect of the petitioners' properties;*
- ii. Whether the petitioners had consented to or ratified the execution of the Gift Deed;*
- iii. Whether the gift was accepted by the competent authority and acted upon; and*
- iv. Whether the purpose of the gift has failed and what are the legal consequences thereof.*

7. It is well settled that the High Court under Article 226 does not adjudicate disputed questions of fact or title. The jurisdiction under Article 226 cannot be invoked for cancellation of documents or declaration of title, which are remedies available before the competent civil Court. The relief sought for cancellation of a registered Gift Deed and deletion of revenue entries involves a



civil dispute between the petitioners and the 5th resident, and possibly the local-body. The appropriate remedy for the petitioners is to file a suit for declaration that the gift deed is void and not binding on them, and for consequential injunction before the competent civil court having jurisdiction.

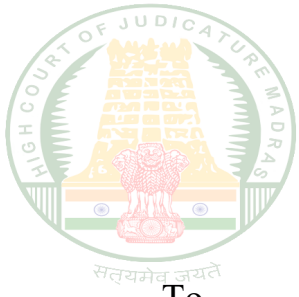
8. In view of the above, this Court is of the considered opinion that the present writ petition is not maintainable as the dispute is purely civil in nature and involves adjudication of disputed questions of fact and title.

9. Accordingly, the writ petition is dismissed as not maintainable. However, liberty is granted to the petitioners to approach the competent civil Court for appropriate reliefs, if so advised. It is made clear that this Court has not expressed any opinion on the merits of the case. The civil Court shall decide the suit, if filed, on its own merits, uninfluenced by any observations made in this order. No costs. Consequently, connected miscellaneous petitions are closed.

03-06-2026

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

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M.DHANDAPANI, J.

rli

To

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Chennai 600 003
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