



W.P.No.879 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.879 of 2019
and
W.M.P.No.979 of 2019

P. Albert James

... Petitioner

Versus

1.The District Revenue Officer,
Kanchipuram District, Collectorate Campus, Kanchipuram.

2.The Tahsildar,
Taluk Office, Sriperumbudur, Kanchipuram District.

3.Mrs. Reeta Jayaraj

4.The Assistant Engineer,
TANGEDCO, Sunguvarchathram,
Sriperumbudur Taluk, Kanchipuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records in Na.Ka.No.16131/2017/No.3 dated 10.04.2018 on the file of the first respondent, to quash the same and direct the 2nd respondent herein to restore the Patta in No.541.



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For Petitioner : Mr. Y. Jyothish Chander

For Respondents : Mr. T. Arunkumar, AGP, (for R1 & R2)

: Mr. L. Jai Venkatesh, SC, (for R4)

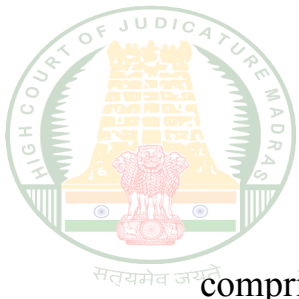
ORDER

This Writ Petition has been filed to call for the records relating to the proceedings of the first respondent in Na.Ka.No.16131/2017/No.3, dated 10.04.2018, to quash the said order, whereby the Patta issued in favour of the petitioner was cancelled and reissued the same in favour of the third respondent, and consequently, to direct the second respondent to restore the Patta in No.541 in the name of the petitioner.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, appearing for the first and second respondent, and the learned Standing Counsel, appearing for the fourth respondent, and also perused the materials available on record.

3. Though notice was served on the third respondent and the name was also printed in the cause list, none entered appearance on behalf of the third respondent.

4. The petitioner is one of the co-owners of the property



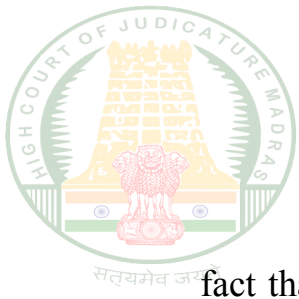
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comprised in S.No.276/2, situated in No.117, Molasur Village, Sunguvarchathram, Sriperumbudur Taluk, Kanchipuram District. The other co-owners are the petitioner's brothers and sisters. Earlier, the father of the third respondent filed a suit in O.S.No.190 of 2001 before the District Munsif Court, Kanchipuram, seeking declaration and permanent injunction as against the parents of the petitioner in respect of the very same property. The said suit was duly contested by the petitioner's parents and the same was dismissed by the Trial Court by a Judgement and decree dated 31.05.2005.

5. After perusing the oral and documentary evidence on record, the Trial Court found that the father of the third respondent had no right over the suit property. Aggrieved by the same, the third respondent's father filed a First Appeal in A.S.No.17 of 2006 before the Sub-Court, Kancheepuram, which was also dismissed on 11.02.2010, by confirming the order passed by the Trial Court. Further, challenging the concurrent findings of the Courts below, the father of the third respondent filed a Second Appeal No.477 of 2011 before this Court.

6. During the pendency of the second appeal, suppressing the



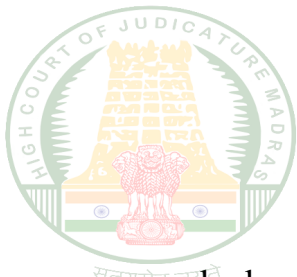
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fact that her father had already litigated and lost before the Courts below, the third respondent moved a petition before the second respondent, which was forwarded to the first respondent, in which, the third respondent, seeking a direction to cancel the issuance of Patta in favour of the petitioner in respect of the very same property. The first respondent, without appreciating the binding effect of the Civil Court Judgements, mechanically allowed the petition of the third respondent, cancelled the Patta issued in favour of the petitioner, and also directed the second respondent to issue Patta in favour of the third respondent.

7. In the meantime, the third respondent's father died and the third respondent was impleaded as appellant in the second appeal. Thereafter, vide Judgement dated 28.08.2025 the S.A.No.477 of 2011, was dismissed, confirming the Judgement and Decree passed by the Trial Court and the First Appellate Court.

8. That apart, this Court also observed that the third respondent



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had not produced any documentary proof of possession over the subject property. There were no boundary details or evidence adduced by the third respondent to establish that her father was in possession or cultivating the said property. On contrary, the Patta and other revenue records were stood in the name of the petitioner's father, which were marked as Exs.B4, B7 and B8 before the Trial Court. Those documents had clearly established that the parents of the petitioner were in possession and enjoyment of the property in question and, after their demise, the petitioner, along with his brothers and sisters continue to be in possession and enjoyment of the said property.

9. Considering the above facts and circumstances, the order of the first respondent cancelling the Patta issued in favour of the petitioner and his family members, and directing issuance of Patta in favour of the third respondent, is unsustainable and liable to be set aside. In view of the same, this Court is of the view that the petitioner, and the other legal heirs of his father, is entitled to deal with the property in question.

10. Accordingly, the Writ Petition is allowed. The second



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respondent is directed to restore the revenue records in the name of the petitioner and other legal heirs of his deceased father forthwith. No costs.

Consequently, the connected miscellaneous petition is also closed.

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Index : Yes/No
Speaking/Non-Speaking Order
Neutral Case Citation : Yes/No

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To

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G.K.ILANTHIRAIYAN. J.



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