



WEB COPY



WP.No.855 of 2025

In the High Court of Judicature at Madras

Dated : 10.1.2025

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.855 of 2025 &
WMP.No.1030 of 2025

K.Mahesh

...Petitioner

Vs

1.The District Revenue Officer,
Chennai District, Chennai.

2.The Revenue Divisional Officer,
South Chennai Division,
Guindy, Chennai-32.

3.The Tahsildar, Guindy Taluk,
Chennai-32.

4.K.Saroja

5.K.Ravi Verma

6.K.Parthiban

7.K.Vinayagam

8.S.Jothilakshmi

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to conclude the appeal filed by the respondents 4 to 8 dated 08.11.2024 in accordance with law within the stipulated time fixed by this Court.



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For Petitioner : Mr.A.Ilaya Perumal
For R1 to R3 : Mr.M.R.Gokul Krishnan, AGP

ORDER

Seeking a direction to the first respondent to dispose of the appeal dated 08.11.2024 filed by respondents 4 to 8, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for respondents 1 to 3.

3. The case of the petitioner is as follows :

(i) A large extent of land comprised in S.No.76, T.S.No.87, Ekkattuhangal Village, Guindy Taluk, Chennai was purchased by the petitioner's great grandfather - Mr.Kanniah Reddiyar through a court auction sale in the year 1925 and he was in possession of the said property till he was alive. During his life time, the said Mr.Kanniah Reddiyar executed a Will dated 27.3.1948, pursuant to which, the petitioner's grandfather - Mr.Elliah Reddiyar got the land measuring 1 acre 45 1/2 cents. Further, the said Mr.Elliah Reddiyar purchased another land measuring 41 1/2 cents from one Mr.Sheshachalam on 20.1.1949 and thus became the absolute owner of the land measuring



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1 acre 87 cents in S.No.76, T.S.No.87, Ekkattuhangal Village, Guindy Taluk, Chennai.

(ii) During his life time, in the year 1975, the said Mr.Elliah Reddiyar entered into a sale agreement with one Mr.Arumugam, Partner of M/s.Ambal Traders in respect of S.No.76. But, from 1979 onwards, as some third parties created disturbance, the said Mr.Elliah Reddiyar, the said Mr.Arumugam and another filed a civil suit in O.S.No.8909 of 1979 on the file of the Fourteenth Assistant Judge, City Civil Court, Chennai seeking a declaration and injunction in respect of the subject property. In the first round of litigation, the matter was remanded to the file of the Trial Court. However, in the second round of litigation, the said suit was decreed on 10.12.2007 as confirmed by the judgment of this Court in the second appeal in S.A. No.47 of 2013 dated 18.4.2022. As against the same, the review application filed also came to be dismissed on 07.9.2022. The matter went upto the Supreme Court and ended in favour of the petitioner.

(iii) The petitioner would submit that W.P.No.8315 of 1993 filed by the legal heirs of his grandfather in the year 1993 was disposed of by this Court on 04.8.2022 by directing the revenue officials to restore the patta in favour of the petitioner by placing reliance on the judgment in the second appeals in S.A.Nos.47 of 2013 and 294 of 2016. In the meantime, the petitioner came to know from the third



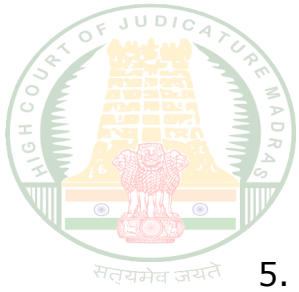
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respondent that respondents 4 to 8 obtained patta in respect of the subject property. Hence, the petitioner gave a detailed representation dated 14.11.2022 to the second respondent.

(iv) Once again, at the instance of the petitioner by filing W.P. No.11110 of 2023, this Court, by order dated 19.10.2023, directed the District Collector, Chennai and respondents 2 and 3 to consider the said representation dated 14.11.2022. Ultimately, after conducting an elaborate inquiry and affording an opportunity to all the parties, by order dated 29.10.2024, the second respondent cancelled the patta issued in favour of respondents 4 to 8 and directed the third respondent to issue patta in favour of the petitioner pursuant to the judgment in the second appeal filed in the second round of litigation.

(v) Challenging the proceedings of the second respondent, respondents 4 to 8 filed an appeal dated 08.11.2024 to the first respondent. Pursuant to that, though the petitioner attended the inquiry on 31.12.2024 before the first respondent, no further action has been taken on the same. Hence the writ petition.

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record.



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5. In the considered opinion of this Court, the matter is pending from the year 1979 and even after succeeding in two rounds of litigation on the civil side and two writ petitions, the petitioner is not able to enjoy the fruits of the decree. Hence, it is imperative to direct the first respondent to consider the appeal dated 08.11.2024 filed by respondents 4 to 8 within a time frame.

6. Accordingly, the writ petition is allowed and a Mandamus is issued to the first respondent to dispose of the appeal dated 08.11.2024 filed by respondents 4 to 8 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, the connected WMP is closed.

10.1.2025

To

- 1.The District Revenue Officer,
Chennai District, Chennai.
- 2.The Revenue Divisional Officer,
South Chennai Division,
Guindy, Chennai-32.
- 3.The Tahsildar, Guindy Taluk,
Chennai-32.

RS



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