



W.P.No.12725 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.12725 of 2013

And

**W.M.P.No.14008 of 2018 and
M.P.Nos.1 of 2013, 1 & 2 of 2014**

1.Pattammal
2.Alamelu
3.Vasanthi
4.E.Kesavan (Died)
5.E.Jaishankar
6.Kamatchi
7.Thilagavathy
8.Barath Narayanan
9.Bathmanaban
(P7 to P9 substitutes as LRs of Deceased
4th Petitioner vide order dated 16.10.2025
made in WMP.4820/2024 in
WP.12725/2013 by MDIJ)

... Petitioner

Vs.

1.The State of Tamilnadu
Rep. by Secretary to Government,
Revenue Department,
Fort St.George,
Chennai.



W.P.No.12725 of 2013

2.The Special Commissioner,
Land Administration,
Chepauk, Chennai – 600 005.

3.The District Collector,
Office of the Collectorate,
Kancheepuram.

4.The Revenue Divisional Officer,
Chengalpattu Town & Taluk,
Kancheepuram District.

5.The Tahsildar,
Thirukazhukundram Taluk,
Kancheepuram District.

6.Mari Naicker (Died) (R26 to R28 substituted for R6)

7.Sundarrajan (Died) (R29 to R33 substituted for R7)

8.Chockalinga Naicker (Died) (R34 to R38 substituted for R8)

9.Kanniammal (Died) (R39 to R41 substituted for R9)

10.K.Sundaramurthy

11.Loganathan

12.K.Venkatesan

13.T.Natarajan (Died) (R42 substituted for R13)

14.N.Lakshmi (Died) (R43 to R46 substituted for R14)

15.N.Shanmugam

16.E.Venkatesan (Died) (R47 to R50 substituted for R16)

17. Ravi

18.Kaliammal (Died) (R51 to R59 substituted for R18)

19.Purushothaman

20.Thalasayana Naicker (Died) (R60 to R61 substituted for R20)

21.Thiruvenkata Naicker



W.P.No.12725 of 2013

22.Ponduranga Naicker (Died) (R62 substituted for R22)

23.Jeyalakshmi (Died) (R63 substituted for R23)

24.S.Indravel

25.The Project Director,
National Highways Authority of India PIU,
Project Implementation Unit, PIU Chengalpattu,
No.41/8A, 2/285, Second Floor, Velachery –
Tambaram Main Road, Santhoshapuram,
Medavakkam, Chengalpattu District – 600 073.

(R25 impleaded vide order dated 16.10.2025
made in WMP.36508/2023 in WP.12725/2013 by MDIJ)

26.Muniammal

27.Sekar

28.Ramesh

(R26 to R28 substituted as LR's of deceased
6th respondent vide order dated 16.10.2025
made in WMP.4815/2024 in WP.12725/2013 by MDIJ)

29.S.Anjalachi

30.S.Varadhan

31.S.Devendran

32.S.Indhumathi

33.S.Vedham

(R29 to R33 substituted as LR's of deceased
7th respondent vide order dated 16.10.2025
made in WMP.4815/2024 in WP.12725/2013 by MDIJ)

34.Gowri

3/13



W.P.No.12725 of 2013

35.Devaki

36.Sankar

37.Pandurangan

38.Shanthi

(R34 to R38 substituted as LR's of deceased
8th respondent vide order dated 16.10.2025
made in WMP.4815/2024 in WP.12725/2013 by MDIJ)

39.Durai

40.Chandra

41.Radha

(R39 to R41 substituted as LR's of deceased
9th respondent vide order dated 16.10.2025
made in WMP.4815/2024 in WP.12725/2013 by MDIJ)

42.Selvi

(R42 substituted as LR's of deceased
13th respondent vide order dated 16.10.2025
made in WMP.4815/2024 in WP.12725/2013 by MDIJ)

43.Visalachi

44.Chandra

45.Pushpa

46.Shanthi

(R43 to R46 substituted as LR's of deceased
14th respondent vide order dated 16.10.2025
made in WMP.4815/2024 in WP.12725/2013 by MDIJ)

47.Thiyagarajan

4/13



W.P.No.12725 of 2013

48.Gopal

49.Krishnan

50.Yasodha

(R47 to R50 substituted as LR's of deceased
16th respondent vide order dated 16.10.2025
made in WMP.4815/2024 in WP.12725/2013 by MDIJ)

51.Krishnaveni @ Krishnammal

52.Jegadha

53.Sekar

54.Vedhagiri

55.Bhavani

56.Loga

57.Punniyakodi

58.Umapathy

59.Manivannan

(R51 to R59 substituted as LR's of deceased
18th respondent vide order dated 16.10.2025
made in WMP.4815/2024 in WP.12725/2013 by MDIJ)

60.Anjalatchi

61.Renuka

(R60, R61 substituted as LR's of deceased
20th respondent vide order dated 16.10.2025
made in WMP.4815/2025 in WP.12725/2013 by MDIJ)

62.Revathi

(R62 substituted as LR's of deceased
22nd respondent vide order dated 16.10.2025
made in WMP.4815/2025 in WP.12725/2013 by MDIJ)

5/13



W.P.No.12725 of 2013

63.Kanniyammal

(R63 substituted as LR's of deceased
23rd respondent vide order dated 16.10.2025
made in WMP.4815/2024 in WP.12725/2013 by MDIJ)

64.Poongothai

65.Mahesh Murugan

66.Sakthi Vinayagam

67.Gowri

68.Poongothai

69.Krishnaveni

70.Vijayakumar

71.Buvaneshwari

72.K.Velayudham

73.Vasudevan

74.Balaji

75.Suresh

76.Jainraj

77.Aadhimulam

78.Ganapathy

79.Nanaiammal

80.Velmurugan

81.Suresh

(R64 to R81 impleaded vide
order dated 16.10.2025 made in
WMP.4822/2025 in WP.12725/2013 by MDIJ) ... Respondents



W.P.No.12725 of 2013

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records connected with the impugned order of the first respondent bearing G.O.Ms.No.83, Revenue Department (Ni.Mu.3(2)) dated 18.03.2013 passed pursuant thereto, quash the same in so far as it relates to the land in survey Nos.55/70, 0.8Hec., 55/75, 0-12-5 Hec., 55/76, 0-06-5 Hec., 55/78, 0-14-0 Hec., 55/79, 0-29-0 Hec., 55/81, 0-81-0 Hec., 55/82, 11-0 Hec., 55/69, 0-12-0 Hec., 55/66, 10-0 Hec., 55/10, 0-04 Hec., in 178/A, Kunnathur Village, Thirukazhukundram Taluk, Kancheepuram District belonging to the petitioners and direct the respondents 1 to 5 to grant patta in respect of the above lands to the petitioners after due and proper enquiry.

(Prayer amended vide order dated 16.10.2025 made in WMP.8287/2021 in WP.12725/2013 by MDIJ)

For Petitioners : Mr.S.Arulandu

For Respondents : Mr.M.Rajendiran for R1 to R5
Additional Government Pleader
R6, R12 to R15 – No Appearance
Mr.M.S.Subramanian for R10
Ms.G.Sumitra for R16, 19 to 24

ORDER

This writ petition has been filed seeking issuance of Writ of Certiorarified Mandamus calling for the records connected with the



W.P.No.12725 of 2013

impugned order of the first respondent bearing G.O.Ms.No.83, Revenue Department (Ni.Mu.3(2)) dated 18.03.2013 passed pursuant thereto, quash the same in so far as it relates to the land in survey Nos.55/70, 0.8Hec., 55/75, 0-12-5 Hec., 55/76, 0-06-5 Hec., 55/78, 0-14-0 Hec., 55/79, 0-29-0 Hec., 55/81, 0-81-0 Hec., 55/82, 11-0 Hec., 55/69, 0-12-0 Hec., 55/66, 10-0 Hec., 55/10, 0-04 Hec., in 178/A, Kunnathur Village, Thirukazhukundram Taluk, Kancheepuram District belonging to the petitioners and direct the respondents 1 to 5 to grant patta in respect of the above lands to the petitioners after due and proper enquiry.

2.The learned counsel appearing for the petitioners submitted that the first petitioner's father – in – law settled the subject property in favour of his son/ Elumalai Naicker/ first petitioner's husband vide settlement deed dated 13.10.1939 and from that date, the petitioners and the said Elumalai Naicker are in possession and enjoyment of the same. Whiles, after enactment of Estate Abolition Act, 26 of 1948, the fourth respondent assigned the said lands in favour of the private respondents, for which, the fifth respondent without conducting any enquiry and without conducting any field inspection granted patta on 07.01.1967. Thereafter, the third respondent suo motu took up the



W.P.No.12725 of 2013

matter on revision under BS-015-18 and found that the order of the fourth respondent is in violation of the office instructions and set aside the said order on 08.09.1976.

3.The learned counsel appearing for the petitioners further submitted that thereafter, after some litigations, the order passed by the fourth respondent was restored and aggrieved by the same, Elumalai Naicker filed W.P.No.7642 of 2001 and after his demise, the petitioners 1 to 6 who are the legal heirs of the said Elumalai Naicker were substituted in the said writ petition and this Court vide order dated 14.11.2011 directed the first respondent to conduct enquiry and to pass orders, pursuant to which, the impugned order was passed. The learned counsel further submitted that the petitioners are the owners of the subject property, whileso, without conducting any enquiry or field inspection, patta was granted in favour of the private respondent and the Government without properly adjudicating the issued passed the impugned order which is not sustainable one.

4.Per contra, the learned counsel appearing for the tenth respondent submitted that the entire Kunnathur Village was taken over by the Government under Act 26 of 1948. Though the petitioners



W.P.No.12725 of 2013

claim that Elumalai Naicker made application for patta, it is not proper application made before Settlement Officer and it is the application made before Sub-Collector. The Sub-Collector directed him to make application before Settlement Officer. The application claiming patta was made outside the scope of the Abolition Act and patta was granted in favour of the said Elumalai Naicker along with the private respondents, however, the same was suppressed by him while filing W.P.No.7642 of 2001.

5.The learned counsel appearing for the tenth respondent further submitted that the entire Kunnathur Village was taken over by the Government under Act 26 of 1948. Thereafter, the land vest with the Government. If the petitioners are in possession of the subject property, they have to make application within the time prescribed under Act 26 of 1948.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.Admittedly the subject property is situated in Kunnathur Village. The entire Kunnathur Village was taken over by the



W.P.No.12725 of 2013

Government under Act 26 of 1948. As per the Act, if they have any right over a property, they are entitled to make application before the Settlement Officer at the relevant point of time. The petitioners claim that Elumalai Naicker who is the husband of the first petitioner made application for patta, however, the said application was made before Sub Collector and the Sub Collector directed him to make application before the Settlement Officer as per Act 26 of 1948 and the said Elumalai Naicker also made application for grant patta outside the scope of the Abolition Act and he was granted assignment patta in the year 1967 and the petitioners are enjoying the property and such assignment was not disclosed by the said Elumalai Naicker while filing W.P.No.7642 of 2001. All these facts were properly adjudicated by the first respondent and the first respondent passed the impugned order, which warrants no interference.

8.The writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

22.10.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

11/13



W.P.No.12725 of 2013

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- 1.The State of Tamilnadu
Rep. by Secretary to Government,
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W.P.No.12725 of 2013

M.DHANDAPANI,J.
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