



W.P.No.4650 of 2019

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JIN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2025

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.4650 of 2019

and

W.M.P.No.5268 & 5269 of 2019

M.Muthukaruppan

..... Petitioner

Vs

1. The District Revenue Officer,
Chennai Esplanade Road,
Chennai-600 108

2. The Revenue Divisional Officer,
Egmore, Chennai-600 031

3. P.L.Alamelu

4. R.Algammai

5. M.Palaniappan

6. M.Ravi

..... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, to call for the records on the file of the 1st respondent in J2/15450/2016 dated 27.06.2018 and quash the same as illegal, irregular and without Jurisdiction.

For Petitioners : Mrs.V.Srimathi



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For R1 & R2 : Mr.T.Arun Kumar
Additional Government Pleader
For R3 : Mr.V.Anil Kumar
For R4 to R6 : No appearance

ORDER

This Writ Petition has been filed challenging the order dated 27.06.2018 passed in J2/15450/2016 by the first respondent, thereby dismissing the appeal filed by the petitioner and the order passed by the first respondent was confirmed.

2. Heard Mrs.V.Srimathi, learned counsel appearing for the petitioner, Mr.T.Arun Kumar, learned Additional Government Pleader appearing for the first and second respondent, Mr.V.Anil Kumar, learned counsel appearing for the third respondent and perused the materials available on record.

3. The petitioner's grandfather, viz., A.M.K.M.AL. Muthukaruppan Chettiyar owned property situated at No.7, New No.11, Rosary Church Street, Santhome, Mylapore, Chennai – 600 004. He had one son, viz., the father of the petitioner herein. Thereafter, he executed a will dated 08.04.1972, bequeathing the subject property in favour of his



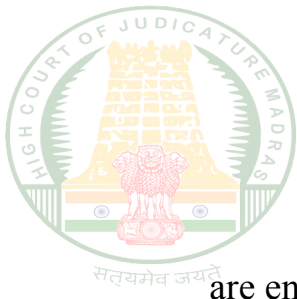
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four grandsons, including the petitioner herein. After his demise, the Will was presented for probate in O.P.No.50 of 1975 and the same was allowed on 22.10.1975. Subsequently, one of the grandsons one M.Alagappan died on 08.10.1981. He was survived by his wife and the respondents 3 and 4 herein. His wife died on 20.05.1991, leaving behind her daughters, viz., the respondents 3 and 4. Prior to her demise, she had executed a Will on 02.05.1991, appointing the petitioner and her brother as executors.

4. On 31.03.1993, a family arrangement was entered into between the family members. Thereafter, a suit was filed in C.S.No.929 of 2015 before this Court seeking a declaration that the family arrangement itself is null and void and for partition. The petitioner is also one of the party to the suit and has denied the claim. The suit is still pending. Meanwhile, the petitioner's paternal uncle preferred an appeal seeking cancellation of the patta issued in favour of the petitioner and requested to issue joint patta. The said request was allowed and the order was also confirmed by the first respondent.

5. Though the suit is pending, the respondents 3 to 6 herein



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are entitled to submit an application before the second respondent seeking inclusion of their names in the patta already issued in favour of the petitioner, as they are co-sharers under the Will. Therefore, the first respondent rightly dismissed the appeal filed by the petitioner.

6. In view of the above, this Court finds no infirmity or illegality in the order dated 27.06.2018 passed in J2/15450/2016 by the first respondent. Thus, the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. However, the petitioner is at liberty to approach the revenue authorities, subject to the result of the suit in C.S.No.929 of 2015. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Internet : Yes
Index : Yes/No
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