



Writ Petition No.8311 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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**DATED: 13.03.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**Writ Petition No.8311 of 2025**

**and**

**W.M.P.No.9317 of 2025**

Kasi

S/o.Late Kesava Naicket

... Petitioner

Vs.

1.The District Collector,  
Tiruvallur District,  
Tiruvallur Collectorate Office,  
Tiruvallur.

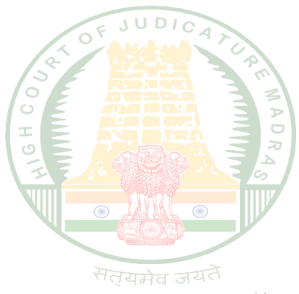
2.The District Revenue Officer,  
Tiruvallur District,  
Tiruvallur Collectorate Office,  
Tiruvallur.

3.The Revenue Divisional Officer,  
Tiruvallur Zone, Tiruvallur District.

4.The Tahsildar,  
Office of the Tahsildar,  
Tiruvallur Taluk and District.

5.Amirthammal  
W/o.Rangasamy Naicker

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the second respondent vide his Proceedings in Na.Ka.132384/2023/N-2, dated 06.12.2024 confirming the order of the third respondent vide his proceedings in Na.Ka.No.1251/2019/A7 dated 20.07.2023 and quash both the orders as arbitrary and capricious exercise of authority and illegal and consequently direct the respondents 2 to 4 to issue patta in respect of the petition property admeasuring an extent of 9½ cents out of 22.5 cents comprised in S.No.442/2A situated in No.138 Kottaiyur village, Mappedu Firka, Tiruvallur Taluk and District by effecting Sub Division of Survey No.442/2A in the name of the petitioner and the other legal heirs of Lake Kesava Naicker.

For Petitioner : Mr.E.Prabu

For Respondents : Mr.P.Sathish  
Additional Government Pleader  
[R1 to R4]

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### **ORDER**

This writ petition has been filed challenging the impugned proceedings of the second respondent dated 06.12.2024 confirming the order passed by the third respondent dated 20.07.2023 and for a direction to the respondents 2 to 4 to issue patta in the name of the petitioner by effecting sub-division in the subject property.



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2. Heard Mr.E.Prabu, learned counsel for petitioner and Mr.P.Sathish, learned Additional Government Pleader appearing for respondents 1 to 4.

3. The case of the petitioner is that the subject property was originally owned by his father by virtue of a registered sale deed dated 10.12.1943 registered as document No.4714 of 1943. The father of the petitioner died intestate on 22.11.1968 leaving behind the petitioner and his brothers. The petitioner and his brothers constructed houses and exclusively were in possession and enjoyment of the same. Civil litigations were initiated by adjacent land owners and even in those litigations, the petitioner and his brothers succeeded. In the appeal, the same was reversed and the dispute pertained to the use of passage between the petitioner and the adjacent land owners. The petitioner came to know that the name of Amirthammal was entered in the revenue records during the UDR scheme. According to the petitioner, the said Amirthammal is a total stranger to the property and her whereabouts are not known and therefore, the petitioner filed a representation before the fourth respondent seeking for issuance of patta in his name. The fourth respondent conducted an enquiry and called for report from the revenue



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inspector. The revenue inspector submitted a report stating that the whereabouts of the said Amirthammal is not known. Accordingly, the fourth respondent submitted a report dated 22.07.2019 to the third respondent and he had specifically stated that the property was purchased by the father of the petitioner and it is in possession and enjoyment of the legal heirs all along. During the UDR scheme, the name of one Amirthammal has been entered in the patta for the first time. Ultimately, the file reached the second respondent and after conducting enquiry, the second respondent came to a conclusion that the petitioner has to work out his remedy before the competent civil Court. Aggrieved by the same, the present writ petition has been filed before this Court.

4. In the considered view of this Court, no one knows who this Amirthammal is and her whereabouts are not known. If really there is a dispute between the petitioner and the said Amirthammal, the same can be agitated before a civil Court. If no such person is available, this Court wonders against whom the petitioner will file a suit seeking for a declaration that he is the owner of the property.



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5. The order has been passed by the second respondent in a mechanical fashion even without understanding the fact that the so-called Amirthammal had never made any claim over the property. The records that were available clearly show that this petitioner's family was in possession and enjoyment of the property right from the year 1943. In view of the same, the respondents ought to have made necessary correction in the revenue records to delete the name of Amirthammal. The order passed by the respondents 2 and 3 suffers from manifest illegality and the same requires the interference of this Court.

In the result, this writ petition is allowed and the impugned proceedings of the second respondent dated 06.12.2024 confirming the order passed by the third respondent dated 20.07.2023 is hereby quashed. There shall be a direction to the second respondent to pass appropriate orders by rectifying the mistake in the revenue records by removing the name of Amirthammal and direct the Tahsildar to mutate the revenue records in favour of the petitioner and others. Thereafter, the fourth respondent shall issue patta in the name of the petitioner and his brothers with respect to the subject property. This process shall be completed within a period of six (6) weeks from the date of receipt of a copy of this



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**N.ANAND VENKATESH, J**

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order. No costs. Consequently, connected miscellaneous petition is closed.

**13.03.2025**

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

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To

- 1.The District Collector,  
Tiruvallur District,  
Tiruvallur Collectorate Office,  
Tiruvallur.
- 2.The District Revenue Officer,  
Tiruvallur District,  
Tiruvallur Collectorate Office,  
Tiruvallur.
- 3.The Revenue Divisional Officer,  
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