



W.P.No.11933 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2025

CORAM

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.11933 of 2022
and WMP.No.11349 of 2022

K.Purushothaman

... Petitioner

vs.

1. The District Collector,
Chennai , Chennai District.
2. The District Revenue Officer,
Chennai, Chennai District.
3. The Revenue Divisional Officer,
Guindy, Chennai, Chennai District
4. Tahsildar,
Sholinganallur, Chennai,
Chennai District.
5. The President,
S.Kolathur Panchayat,
Sholinganallur Taluk,
Kancheepuram District
6. J.Ebenezer

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for
issuance of a writ of Mandamus forbearing the respondents 1 to 5 to lay the



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road in the petitioner's property admeasuring 26 cents comprised in Survey No.397/7 and another 5 cents comprised in S.No.397/6 (covered under the registered sale deed dated 30.09.1974) and the property admeasuring 21 cents comprised in Survey No.397/6 situated at S.Kolathur Village, Madipakkam – II, Sholinganallur Taluk, Kancheepuram District.

For Petitioner : Mr.R.Rajarajan

For R1 to R4 : Mr.M.Rajendiran
Addl.Govt.Pleader

For R5 : No Appearance

ORDER

The present writ petition has been filed to forbear the respondents 1 to 5 to lay the road in the petitioner's property admeasuring 26 cents comprised in Survey No.397/7 and another 5 cents comprised in S.No.397/6 (covered under the registered sale deed dated 30.09.1974) and the property admeasuring 21 cents comprised in Survey No.397/6 situated at S.Kolathur Village, Madipakkam – II, Sholinganallur Taluk, Kancheepuram District.

2. It is the case of the petitioner that the property belongs to one Veerappan Naicker Vagaiyara. The said Veerappan Naicker Vagaiyara



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WEB COPY sold the aforesaid lands for sale consideration received from one R.Kannappan s/o.Ramaiah Naidu, the father of the petitioner by virtue of registered Sale Deed bearing Doc.No.2598/1974 dated 30.09.1974 on the file of SRO, Pallavaram. Thus, the said Kannappan became the sole and absolute owner of the property admeasuring 26 cents comprised in S.No.397/7 and 5 cents comprised in S.No.397/6 situated at Kolathur Village, Madipakkam – II, Sholinganallur Taluk, Kancheepuram District.

3. It is the further case of the petitioner that the said R.Kannappan married one Padmavathy. Out of the wedlock, they having five sons including the petitioner herein and one daughter. After the death of his father, they have also continued to be in joint possession and enjoyment of the said property. Thereafter, his mother viz., Padmavathy purchased the property admeasuring 35 cents comprised in S.No.397/6, Kolathur Village Madipakkam-II, Sholinganallur Taluk, Kancheepuram District vide Sale Deed dated 21.10.1983 from its original owners one Saroja ammal w/o. Jeyarama Naidu. Thus, the said Padmavathy, has become the sole and absolute owner of the said property and his mother also continued to be in possession and enjoyment of the same. After the death of his father, patta



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No.53 was also granted in the name of the legal heirs of Kannappan for the aforesaid mentioned properties on 19.08.1992. Thus, the petitioner and other legal heirs of parents are in joint and absolute possession and enjoyment of the said properties. Thereafter, the petitioner and his brothers and sister had executed a General power of Attorney dated 07.12.1995 in favor of one Gnansundaram, wherein they had sold 14 cents out of 35 cents comprised in S.No.397/6 and the said Gnanasundaram sold the aforesaid extent of 14 cents situated on the southern side of S.No.397/6 to various third parties. After that, the petitioner and other legal heirs of the said Kannappan and Padmavathy have retained the balance extent of 21 cents and another 5 cents (totally 26 cents) in the said S.Nos.397/6 and 397/7 and continued to be in joint possession and enjoyment of the same. The aforesaid properties are lying vacant. The 6th respondent is a builder and developer and he has purchased the properties in S.No.397/11 which is abutting northern boundary of the properties jointly belonging to the petitioner, Padmavathy and other legal heirs of Kannappan. Thereafter, the 6th respondent approached the respondents 1 to 5 for laying the road in the properties belonging to the petitioner and other legal heirs of the said Kannappan. But, till date, the said properties have not been acquired by the



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respondents 1 to 5 for the public purpose of laying road as falsely claimed by the 6th respondent. However, the respondents have attempted to enter into the properties illegally and attempted to lay the road on 29.04.2022. Hence, the petitioner sent representation dated 30.04.2022 to the respondent requesting them to not enter on the part of the respondents 1 to 6 to lay a public road in the private land of the petitioner without following the due process of law. However, the respondents without considering on the representation of the petitioner. Aggrieved by the same, the petitioner has forward with the present writ petition.

4. The learned Additional Government Pleader appearing for the respondents submitted that on written instructions from the Tahsildar, Sholinganallur Taluk, Chennai District (4th respondent) stating that the suit was filed by the 6th respondent in the writ petition vide O.S.No.294 of 2022 on the file of Principal District Munsif Court, Alandur in regard to passage right in S.Nos.397/6 and 397/7 mentioned as 30 feet road in his document and the said suit was directed to be posed for hearing on 26.03.2025.



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5. Heard the learned counsel on either side and also perused the material available on records.

6. In view of the submission made by the learned Additional Government Pleader appearing for the respondents, this writ petition stands disposed of. However, liberty is given to the petitioner to agitate the relief before the Principal District Munsif Court, Alandur. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No.
Internet : Yes/No.
Neutral Citation : Yes/No
Speaking : Non-speaking Order
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To

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