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W.P No.21866 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2025

CORAM

THE HONOURABLE MR. JUSTICE C. KUMARAPPAN

Writ Petition No.21866 of 2025

and

Writ Miscellaneous Petition No.24652 of 2025

Mrs.L.Indira

... Petitioner

..Vs..

1.State of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Fort St.George, Chennai 600009.

2.The Director of School Education,
College Road, Chennai 600034.

3.The District Education Officer,
Cheyyar, Secondary Education,
District Education Office, Cheyyar 604 407.

4.The Head Master,
Government Higher Secondary School.
Nedumbirai – 604 407.

5.The Secretary,
Nedumbirai Panchayat,
Nedumbirai – 604 407.

... Respondents



W.P No.21866 of 2020

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus to direct the respondents 1 to 4 to forbear from using petitioner's lands totally measuring 4 Acres and 01 Cent in Survey Nos.181/2A, 181/2C and 182 of Nedumbirai Village, Cheyyar Taluk, Thiruvannamalai District for any purpose whatsoever and putting up any construction over the petitioner's said lands.

For Petitioner : Mr.B.K.Sreenivasan

For Respondents : M/s.S.Mythreye Chandru,
Special Government Pleader for RR1 to 4

ORDER

The instant writ petition has been filed, challenging the action of the respondent in interfering with the petitioner's land.

2. The learned counsel appearing on behalf of the petitioner would submit that the petitioner's father purchased the property bearing S.F.Nos.181/2A, 181/2C and 182 to an extent of 4 acres 01 cents at Nedumbirai Village, Cheyyar Taluk. It is the further submission of the learned counsel for the petitioner that during the lifetime of her father, in the year 1985, he had some idea to gift the property for running School. However, registration of the Gift Deed was not fructified in view of certain legal formalities. In the meanwhile, he died during the year 2015 and prior to his

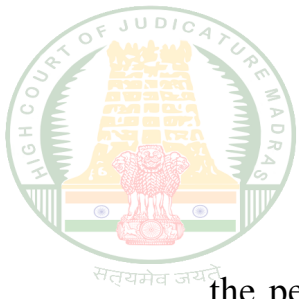


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death, he has executed a Will in favour of the petitioner. It is the further submission of the petitioner that since the Gift Deed in favour of the respondent was not registered, the property all along vest with his father until his death, in 2015 and after the demise of his father, by virtue of Will executed by his father during 2015, the petitioner has become the absolute owner of the property. He would further submit that, the respondent is making false claim over the above property and prayed to allow the writ petition.

3. At this juncture, the learned Special Government Pleader appearing on behalf of the respondents would vehemently submit that this is the second round of litigation and that by virtue of the earlier Writ Petition in W.P.No.11632 of 2023 dated 18.04.2023 a direction was issued to the Revenue Authorities to consider the petitioner's representation. However, the they did not give any patta. Furthermore, the issue involved in this case is a disputed fact, which cannot be adjudicated in a Writ Court. Hence prayed to dismiss the writ petition.

4. I have given my anxious consideration on either side submission.



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5. While looking at the narration of the facts of the learned counsel for the petitioner, the issue which is to be considered is, whether the Gift Deed alleged to have been executed by the petitioner's father in the year 1985 is true and its effect and whether the subsequent Will stands in the name of the petitioner will absolve the respondent's right.

6. Though the learned counsel would submit that the respondents themselves vide his Reply Notice dated 30.03.2023 admitted about non-registration of the Gift Deed, such factum by itself is not suffice to hold that the property was vest with the petitioner's father. But the fact remains in the reply notice, the respondents assert their right upon the property referred herein above. Therefore, mere admission of non-registration of the Gift Deed, will in no way to be construed that the respondents have admitted the petitioner's title over the property. As rightly contended by the learned Special Government Pleader the title of the petitioner has to be gone into only in a Civil Suit.

7. In such view of the matter, this Court does not find any merit in the writ petition.



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8. In the result the Writ Petition is dismissed by giving liberty to the petitioner to approach the Civil Court. However, this Court makes it clear that any observation made in this writ petition will not be controverted as the opinion against the rights of the parties in the disputed property. No costs. Consequently, the connected miscellaneous petition stands closed.

23.06.2024

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Index : Yes

Speaking Order : Yes /No

Neutral Citation Case: Yes/No

To:

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C. KUMARAPPAN, J.

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