



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-06-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WMP No. 22370 of 2025

IN

WP NO. 6622 OF 2025

1.Kamatchi

2.Ravi

3.Padma

4.Ramesh

5.Arumugam

6.Selvarani

7.Kumar

8.Palani

Petitioner(s)

Vs

1.S.Madanraj

2.The District Collector
Thiruvallur, Thiruvallur District.

3.The Tahsildar
Thiruvallur, Thiruvallur District.



WEB CRY
4. The Head Surveyor,
Survey Land Records,
Thiruvallur, Thiruvallur District.

5. Mari (deceased)

6. Varadhan (deceased)

7. Gunabalan

Respondent(s)

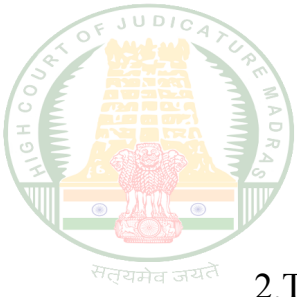
PRAYER Writ Petition filed under Article 226 of the Constitution of India, to modify the order dated 28/02/2025 passed in W.P.No.6622 of 2025 or any other appropriate order or direction deem fit and proper in the facts circumstances of the case.

For Petitioner(s): Mr.V.K.Bhuvaneshwar

For Respondent(s): Mr.K.G.Kannan for R1
Mr.T.M.Rajangam
Government Advocate
for R2 to R4

ORDER

This petition has been filed to modify the order passed in W.P.No.6622 of 2025 dated 28.02.2025.



WEB COPY

2.The writ petition was disposed of with a direction to the 2nd respondent to act upon the online application submitted by the writ petitioner and to conduct the survey in the subject property after issuing notice to respondents 4 to 6.

3.The grievance of the petitioners in this modification petition is that the writ petitioner conveniently concealed the earlier judgment of the Civil Court which came up to this Court in S.A.No.1330 of 2008, which was disposed of on 18.07.2011. It was further submitted that the writ petitioner conveniently impleaded the dead persons. It was submitted that the 4th respondent in the writ petition viz., Mari and the 5th respondent in the writ petition viz., Varadhan had died on 29.03.2025 and 21.02.2025, respectively. However, the writ petitioner has managed to obtain order against those dead persons.

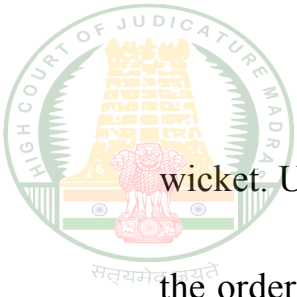
4.The learned counsel for the petitioners who are the legal heirs of the deceased 4th and 5th respondents submitted that taking advantage of the order,



the survey was conducted and the boundary stones were laid. However, there is a potential threat of taking over possession of the property from the petitioners.

5.Heard Mr.V.K.Bhuvaneshwar, learned counsel appearing on behalf of the petitioner, Mr.K.G.Kannan, learned counsel appearing on behalf of the 1st respondent and Mr.T.M.Rajangam, learned Government Advocate appearing on behalf of respondents 2 to 4.

6.It is seen from the Decree that was passed in O.S.No.199 of 2002, dated 01.09.2005 that the subject property in S.Nos.372/3 and 373/1, formed part of the Schedule. The writ petitioner was claiming his right by virtue of a Settlement Deed dated 20.10.2010 that was executed by the father of the writ petitioner viz., Mr.Subramanian. The said Subramanian had filed the second appeal before this Court in SA.No.1330 of 2008 and this second appeal was dismissed and the Judgment and Decree passed by both the Courts below was confirmed. Therefore, the very right and title of the said Subramanian is in question and consequently, the right claimed by the petitioner is on a very weak



wicket. Unfortunately, this fact was not brought to the notice of this Court when

the order was passed in the writ petition. That apart, order has been passed in

the writ petition against atleast two dead persons viz., the 4th and 5th

respondents. Therefore, the order is non est insofar as those two respondents are

concerned. The survey has been completed and boundary stones have been laid.

However, that by itself will not give any right to the writ petitioner.

7. In the light of the above discussion and in light of the facts and circumstances that were brought to the notice of this Court, this modification petition is allowed and accordingly, the writ petition stands dismissed.

13-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

ssr



To
WEB COPY

- 1.The District Collector
Thiruvallur, Thiruvallur District.
- 2.The Tahsildar
Thiruvallur, Thiruvallur District.
- 3.The Head Surveyor,
Survey Land Records. Thiruvallur,
Thiruvallur District.



WEB COPY

7/7

WMP No. 22370 of 2025



N.ANAND VENKATESH J.

SSI

**WMP No. 22370 of 2025
IN WP NO. 6622 OF 2025**

13-06-2025