



W.P.No.15633 of 2023

W.P.No.15633 of 2023

WEB COPY

P.T.ASHA, J.

Today, this matter is listed under the caption “For Being Mentioned”.

2.On going through the order of this Court dated 02.01.2025 made in this Writ Petition in and by which the same was dismissed, this Court is of the view that there being no ambiguity, no clarification is required in the said order dated 02.01.2025.

20.03.2025

ep



WEB COPY



W.P.No.15633 of 2023

P.T.ASHA, J.

ep

W.P.No.15633 of 2023

20.03.2025



W.P.No.15633 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 15633 of 2023

C.Vasanthkumar
...Petitioner

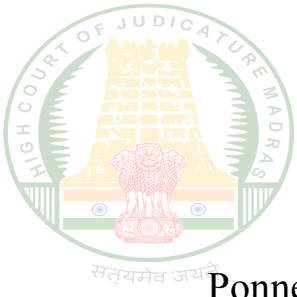
Vs.

1.The Collector
Tiruvallur,
Tiruvallur District.

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

3.The Revenue Divisional Officer,
Ponneri Taluk,
Tiruvallur District.

4.The Tahsildar,



W.P.No.15633 of 2023

WEB COPY
Ponneri Taluk,
Tiruvallur District.

5.The District Registrar,
Tiruvallur District Registrar Office,
JVC Complex, Near IMR,
Tiruvallur - 631 293.

6.The Sub Registrar,
Redhills Sub Registrar Officer,
No. 2, Sothupakkam Road,
Next to Sivan Koil,
Palavoyal, Red Hills, Chennai - 600 052.

7.Dayalan Naidu

8.D.Harish

9.D.Rajesh

10.S.Jaffer Hussain

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the Respondents from in any way altering the patta for the properties situated at Palavoyal Village Comprised in Survey No.40/1 measuring 1.48 Acres, Survey No.42 measuring 0.80 Acres, Survey No.631/1 measuring 2.63 Acres, Survey No. 67/1 measuring 1.08 Acres,



W.P.No.15633 of 2023

WEB COPY

Survey No.68/1 measuring 2.45 Acres, Survey No.68/3 measuring 0.11 cents, S.No.70 measuring 3.94 Acres, S.No.21/2 measuring 1.57 Acres, S.No.23 measuring 1.12 Acres, S.No.38 measuring 1.39 Acres, S.No.41/2 measuring 0.75 Acres, S.No.43 measuring 0.51 Acres, S.No.66/1 measuring 1.82 Acres, S.No.72 measuring 3.60 Acres, the property situated at Naravarikuppam Village comprised in S.No.86/3 measuring 0.39 Acres and S.No.91/152A measuring 0.05.00 Hectares, S.No.91/152B measuring 0.35.00 hectares till the outcome of the civil suits pending in O.S.No.189 of 2020 on the file of the Additional District Judge No.IV, Ponneri.

For Petitioner : Mr. Sharath Chandran

For Respondents : Mr. A.Selvendran
1 to 6 Special Government Pleader

For Respondents : Mr. Aravind Pandiyan
7 to 9 Senior Counsel
For Mr. C.V.Shailendhran

For Respondent 10: No Appearance.

ORDER



W.P.No.15633 of 2023

WEB COPY

The Writ Petition has been filed seeking the following relief:

“Forbearing the Respondents from in any way altering the patta for the properties situated at Palavoyal Village Comprised in Survey No.40/1 measuring 1.48 Acres, Survey No.42 measuring 0.80 Acres, Survey No.631/1 measuring 2.63 Acres, Survey No. 67/1 measuring 1.08 Acres, Survey No.68/1 measuring 2.45 Acres, Survey No.68/3 measuring 0.11 cents, S.No.70 measuring 3.94 Acres, S.No.21/2 measuring 1.57 Acres, S.No.23 measuring 1.12 Acres, S.No.38 measuring 1.39 Acres, S.No.41/2 measuring 0.75 Acres, S.No.43 measuring 0.51 Acres, S.No.66/1 measuring 1.82 Acres, S.No.72 measuring 3.60 Acres, the property situated at Naravarikuppam Village comprised in S.No.86/3 measuring 0.39 Acres and S.No.91/152A measuring 0.05.00 Hectares,



WEB COPY



W.P.No.15633 of 2023

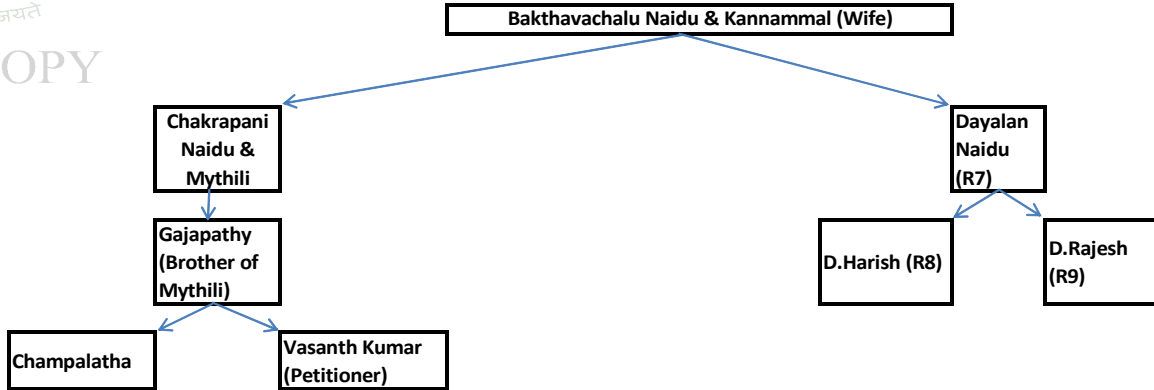
S.No.91/152B measuring 0.35.00 hectares till the outcome of the civil suits pending in O.S.No.189 of 2020 on the file of the Additional District Judge No.IV, Ponneri”.

2. The facts which have been set out in the affidavit filed in support of the Writ Petition is herein below briefly set out.

3. The petitioner would contend that one Baktavatchalu was possessed of larger extent of lands in various villages in Ponneri Taluk. Given below is the genealogy tree of the said Baktavachalu:



WEB COPY



4. On 29.03.1959, Baktavatchalu and his two sons Chakrapani and Dayalan partitioned joint family property under a registered partition deed. Under this deed, Baktavatchalu was allotted the A schedule property, Chakrapani the B Schedule property and Dayalan the C Schedule property and the D Schedule property was kept in common to be enjoyed by the two sons of Baktavatchalu.

5. The 7th respondent herein who was not satisfied with the share allotted to him filed O.S.No.51 of 1972, on the file of the Subordinate Court, Chengalpattu. This suit was later transferred to Tiruvallur and re-numbered as O.S.No.10 of 1979. The suit was decreed on 27.06.1983. In the said suit, Baktavatchalu, Chakrapani



W.P.No.15633 of 2023

WEB COPY

and Baktavatchalu's wife, Kannammal were arrayed as defendants.

Pending the suit, Chakrapani died intestate on 08.03.1980 and his wife Mythili was brought on record. The said Chakrapani and his wife Mythili were not blessed with children and therefore Mythili succeeded to the entire estate of her husband, Chakrapani.

6. The petitioner would submit that as per Section 14 of the Hindu Succession Act, the property had devolved on the wife, Mythili. Therefore, she became the absolute owner. Mythili executed a registered “Will” dated 10.04.1980, bequeathing her entire estate in favour of the children of her only brother, Gajapathy. Therefore, by reason of the “Will”, the petitioner and his sister succeeded to the estate of Mythili. However, the said Mythili did not reveal the fact that she executed such a “Will” and had expired on 19.09.1980.

7. Though the petitioner's mother was an attesting witness, he



W.P.No.15633 of 2023

WEB COPY

and his sister were not aware about the “Will” till filing of restoration petition in C.S.No.563 of 1981, which was re-numbered as O.S.No.3403 of 1997. The petitioner and his sister being minors their father Gajapathy filed an administration suit in C.S.No.563 of 1981 on the file of this Court, seeking administration of the property of the deceased Chakrapani.

8. The 7th respondent herein along with his children were arrayed as defendants apart from others. The 7th respondent filed an application in A.No.2197 of 1982 in C.S.No.563 of 1981 to revoke the leave granted by this Court to institute the suit. In the affidavit filed in A.No.2197 of 1982, Dayalan had not made any whisper about the alleged “Will” dated 24.08.1979, said to have been executed by Chakrapani in favour of the 8th and 9th respondents and their sister one Priya Madhuvrata, who are the children of the 7th respondent.



W.P.No.15633 of 2023

WEB COPY

9. It is further submitted that in O.S.No.10 of 1979 there was no averments that Chakrapani had executed such a “Will”. For the first time, this “Will” surfaced in the year 2007, when the 7th respondent's daughter Priya Madhuvrata executed a registered release deed bearing Doc. No.5133 of 2007 dated 14.03.2007, in and by which she had released her 1/3rd share in the property which devolved on her pursuant to the “Will” of Chakrapani dated 24.08.1979.

10. Thereafter, the respondents 7 to 9 have been repeatedly referring to the fabricated “Will” of Chakrapani. This “Will” has been created only with the object of depriving the petitioner and his sister of the property belonging to Chakrapani, which devolved upon his wife consequent to his death. The said Chakrapani's wife, Mythili inturn had executed a “Will” dated 10.04.1980, bequeathing her estate in favour of her brother's children, namely, the petitioner and his sister.



WEB COPY

11. The petitioner would submit that they are in possession and enjoyment of the following extent of the properties:

<i>S.No</i>	<i>Survey No.</i>	<i>Extent / Cents</i>
1	40	1.48
2	42	0.80
3	63/1	2.63
4	67	1.08
5	68/1	2.45
6	68/3	0.11
7	70	3.94
8	21/2	1.57
9	53/2	0.25
10	59/2	1.03
11	90/3B	0.89
12	146/1	0.19
13	114/3	0.51
14	122	1.90
15	172/2	0.40
16	182	0.56
17	151	0.95
18	23	1.12
19	38	1.01
20	41/2	0.75
21	43	0.51
22	66/1	1.82



WEB COPY

<i>S.No</i>	<i>Survey No.</i>	<i>Extent / Cents</i>
23	72	3.06

The property in Athivakkam Village:

<i>S.No.</i>	<i>Survey No.</i>	<i>Extent / cents</i>
1	35/1	0.23

Half share of the following properties in Naravarikuppam

Village:

<i>S.No.</i>	<i>Survey No.</i>	<i>Extent / cents</i>
1	86/3	0.39
2	84/3	0.34

Full share of the following properties in Navarikuppam

Village:

<i>S.No.</i>	<i>Survey No.</i>	<i>Extent / cents</i>
1	91/152A	0.05.00
2	91/152B	0.35.00



W.P.No.15633 of 2023

WEB COPY

12. The petitioner would submit that his father was not keeping good health and expired on 24.12.1996, at which point in time the petitioner was only a student. The petitioner's sister was also married shortly prior to the demise of their father and the property that was bequeathed to them remained unattended. With the increase in the price and real estate in and around the subject property, the petitioner's sister insisted that the property be divided.

13. Therefore, the petitioner's sister instituted O.S.No.189 of 2020 on the file of the IV Additional District Judge, Ponneri, for partition and separate possession of her half share. On the insistence of their mother and other relatives, the issue was mutually resolved and memorandum of compromise dividing the property into two half share was entered into and filed into the Court. In terms of the



W.P.No.15633 of 2023

WEB COPY

compromise, the suit came to be decreed on 21.10.2021.

14. The petitioner and his sister have after a Judgement made an application to the 4th respondent to mutate revenue records in favour of them. The same was also mutated.

15. With regard to the other properties, the petitioner filed O.S.No.581 of 2022 against the respondents 7 to 10 for a declaration and partition and the same is pending on the file of the Additional District Court IV, Ponneri. Meanwhile, the respondents 7 to 10 have been creating documents with the sole aim of depriving the petitioner and his sister of the properties.

16. The respondents 8 and 9 filed C.R.P.No.2954 of 2021 on the file of this Court, challenging the compromise decree in O.S.No.189 of 2020. The said revision has been made on totally false averments. Apart from filing a revision petition, the



W.P.No.15633 of 2023

WEB COPY

respondents 8 and 9 have also made a representation dated 21.01.2022 to the 4th respondent, objecting to the order of the 4th respondent including the names of tIN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 15633 of 2023

C.Vasanthkumar
...Petitioner

Vs.

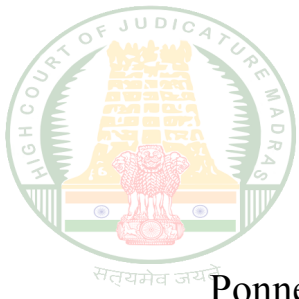
1.The Collector
Tiruvallur,
Tiruvallur District.

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

3.The Revenue Divisional Officer,
Ponneri Taluk,
Tiruvallur District.

4.The Tahsildar,

16/59



W.P.No.15633 of 2023

WEB COPY
Ponneri Taluk,
Tiruvallur District.

5.The District Registrar,
Tiruvallur District Registrar Office,
JVC Complex, Near IMR,
Tiruvallur - 631 293.

6.The Sub Registrar,
Redhills Sub Registrar Officer,
No. 2, Sothupakkam Road,
Next to Sivan Koil,
Palavoyal, Red Hills, Chennai - 600 052.

7.Dayalan Naidu

8.D.Harish

9.D.Rajesh

10.S.Jaffer Hussain

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the Respondents from in any way altering the patta for the properties situated at Palavoyal Village Comprised in Survey No.40/1 measuring 1.48 Acres, Survey No.42 measuring 0.80 Acres, Survey No.631/1 measuring 2.63 Acres, Survey No. 67/1 measuring 1.08 Acres,



W.P.No.15633 of 2023

WEB COPY

Survey No.68/1 measuring 2.45 Acres, Survey No.68/3 measuring 0.11 cents, S.No.70 measuring 3.94 Acres, S.No.21/2 measuring 1.57 Acres, S.No.23 measuring 1.12 Acres, S.No.38 measuring 1.39 Acres, S.No.41/2 measuring 0.75 Acres, S.No.43 measuring 0.51 Acres, S.No.66/1 measuring 1.82 Acres, S.No.72 measuring 3.60 Acres, the property situated at Naravarikuppam Village comprised in S.No.86/3 measuring 0.39 Acres and S.No.91/152A measuring 0.05.00 Hectares, S.No.91/152B measuring 0.35.00 hectares till the outcome of the civil suits pending in O.S.No.189 of 2020 on the file of the Additional District Judge No.IV, Ponneri.

For Petitioner : Mr. Sharath Chandran

For Respondents : Mr. A.Selvendran
1 to 6 Special Government Pleader

For Respondents : Mr. Aravind Pandiyan
7 to 9 Senior Counsel
For Mr. C.V.Shailendhran

For Respondent 10: No Appearance.

ORDER



W.P.No.15633 of 2023

WEB COPY

The Writ Petition has been filed seeking the following relief:

“Forbearing the Respondents from in any way altering the patta for the properties situated at Palavoyal Village Comprised in Survey No.40/1 measuring 1.48 Acres, Survey No.42 measuring 0.80 Acres, Survey No.631/1 measuring 2.63 Acres, Survey No. 67/1 measuring 1.08 Acres, Survey No.68/1 measuring 2.45 Acres, Survey No.68/3 measuring 0.11 cents, S.No.70 measuring 3.94 Acres, S.No.21/2 measuring 1.57 Acres, S.No.23 measuring 1.12 Acres, S.No.38 measuring 1.39 Acres, S.No.41/2 measuring 0.75 Acres, S.No.43 measuring 0.51 Acres, S.No.66/1 measuring 1.82 Acres, S.No.72 measuring 3.60 Acres, the property situated at Naravarikuppam Village comprised in S.No.86/3 measuring 0.39 Acres and S.No.91/152A measuring 0.05.00 Hectares,



WEB COPY



W.P.No.15633 of 2023

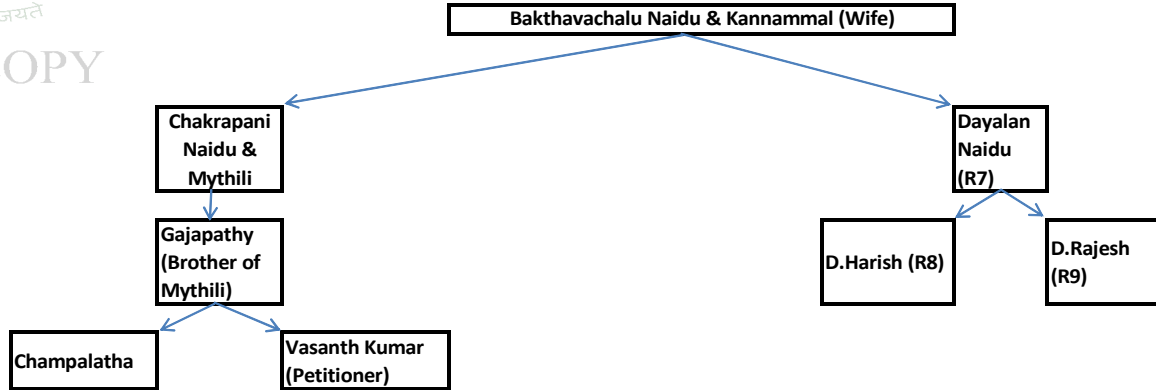
S.No.91/152B measuring 0.35.00 hectares till the outcome of the civil suits pending in O.S.No.189 of 2020 on the file of the Additional District Judge No.IV, Ponneri”.

2. The facts which have been set out in the affidavit filed in support of the Writ Petition is herein below briefly set out.

3. The petitioner would contend that one Baktavatchalu was possessed of larger extent of lands in various villages in Ponneri Taluk. Given below is the genealogy tree of the said Baktavachalu:



WEB COPY



4. On 29.03.1959, Baktavatchalu and his two sons Chakrapani and Dayalan partitioned joint family property under a registered partition deed. Under this deed, Baktavatchalu was allotted the A schedule property, Chakrapani the B Schedule property and Dayalan the C Schedule property and the D Schedule property was kept in common to be enjoyed by the two sons of Baktavatchalu.

5. The 7th respondent herein who was not satisfied with the share allotted to him filed O.S.No.51 of 1972, on the file of the Subordinate Court, Chengalpattu. This suit was later transferred to Tiruvallur and re-numbered as O.S.No.10 of 1979. The suit was decreed on 27.06.1983. In the said suit, Baktavatchalu, Chakrapani



W.P.No.15633 of 2023

WEB COPY

and Baktavatchalu's wife, Kannammal were arrayed as defendants.

Pending the suit, Chakrapani died intestate on 08.03.1980 and his wife Mythili was brought on record. The said Chakrapani and his wife Mythili were not blessed with children and therefore Mythili succeeded to the entire estate of her husband, Chakrapani.

6. The petitioner would submit that as per Section 14 of the Hindu Succession Act, the property had devolved on the wife, Mythili. Therefore, she became the absolute owner. Mythili executed a registered “Will” dated 10.04.1980, bequeathing her entire estate in favour of the children of her only brother, Gajapathy. Therefore, by reason of the “Will”, the petitioner and his sister succeeded to the estate of Mythili. However, the said Mythili did not reveal the fact that she executed such a “Will” and had expired on 19.09.1980.

7. Though the petitioner's mother was an attesting witness, he



W.P.No.15633 of 2023

WEB COPY

and his sister were not aware about the “Will” till filing of restoration petition in C.S.No.563 of 1981, which was re-numbered as O.S.No.3403 of 1997. The petitioner and his sister being minors their father Gajapathy filed an administration suit in C.S.No.563 of 1981 on the file of this Court, seeking administration of the property of the deceased Chakrapani.

8. The 7th respondent herein along with his children were arrayed as defendants apart from others. The 7th respondent filed an application in A.No.2197 of 1982 in C.S.No.563 of 1981 to revoke the leave granted by this Court to institute the suit. In the affidavit filed in A.No.2197 of 1982, Dayalan had not made any whisper about the alleged “Will” dated 24.08.1979, said to have been executed by Chakrapani in favour of the 8th and 9th respondents and their sister one Priya Madhuvrata, who are the children of the 7th respondent.



W.P.No.15633 of 2023

WEB COPY

9. It is further submitted that in O.S.No.10 of 1979 there was no averments that Chakrapani had executed such a “Will”. For the first time, this “Will” surfaced in the year 2007, when the 7th respondent's daughter Priya Madhuvrata executed a registered release deed bearing Doc. No.5133 of 2007 dated 14.03.2007, in and by which she had released her 1/3rd share in the property which devolved on her pursuant to the “Will” of Chakrapani dated 24.08.1979.

10. Thereafter, the respondents 7 to 9 have been repeatedly referring to the fabricated “Will” of Chakrapani. This “Will” has been created only with the object of depriving the petitioner and his sister of the property belonging to Chakrapani, which devolved upon his wife consequent to his death. The said Chakrapani's wife, Mythili inturn had executed a “Will” dated 10.04.1980, bequeathing her estate in favour of her brother's children, namely, the petitioner and his sister.



WEB COPY

11. The petitioner would submit that they are in possession and enjoyment of the following extent of the properties:

<i>S.No</i>	<i>Survey No.</i>	<i>Extent / Cents</i>
1	40	1.48
2	42	0.80
3	63/1	2.63
4	67	1.08
5	68/1	2.45
6	68/3	0.11
7	70	3.94
8	21/2	1.57
9	53/2	0.25
10	59/2	1.03
11	90/3B	0.89
12	146/1	0.19
13	114/3	0.51
14	122	1.90
15	172/2	0.40
16	182	0.56
17	151	0.95
18	23	1.12
19	38	1.01
20	41/2	0.75
21	43	0.51
22	66/1	1.82



WEB COPY

<i>S.No</i>	<i>Survey No.</i>	<i>Extent / Cents</i>
23	72	3.06

The property in Athivakkam Village:

<i>S.No.</i>	<i>Survey No.</i>	<i>Extent / cents</i>
1	35/1	0.23

Half share of the following properties in Naravarikuppam

Village:

<i>S.No.</i>	<i>Survey No.</i>	<i>Extent / cents</i>
1	86/3	0.39
2	84/3	0.34

Full share of the following properties in Navarikuppam

Village:

<i>S.No.</i>	<i>Survey No.</i>	<i>Extent / cents</i>
1	91/152A	0.05.00
2	91/152B	0.35.00



W.P.No.15633 of 2023

WEB COPY

12. The petitioner would submit that his father was not keeping good health and expired on 24.12.1996, at which point in time the petitioner was only a student. The petitioner's sister was also married shortly prior to the demise of their father and the property that was bequeathed to them remained unattended. With the increase in the price and real estate in and around the subject property, the petitioner's sister insisted that the property be divided.

13. Therefore, the petitioner's sister instituted O.S.No.189 of 2020 on the file of the IV Additional District Judge, Ponneri, for partition and separate possession of her half share. On the insistence of their mother and other relatives, the issue was mutually resolved and memorandum of compromise dividing the property into two half share was entered into and filed into the Court. In terms of the



W.P.No.15633 of 2023

WEB COPY

compromise, the suit came to be decreed on 21.10.2021.

14. The petitioner and his sister have after a Judgement made an application to the 4th respondent to mutate revenue records in favour of them. The same was also mutated.

15. With regard to the other properties, the petitioner filed O.S.No.581 of 2022 against the respondents 7 to 10 for a declaration and partition and the same is pending on the file of the Additional District Court IV, Ponneri. Meanwhile, the respondents 7 to 10 have been creating documents with the sole aim of depriving the petitioner and his sister of the properties.

16. The respondents 8 and 9 filed C.R.P.No.2954 of 2021 on the file of this Court, challenging the compromise decree in O.S.No.189 of 2020. The said revision has been made on totally false averments. Apart from filing a revision petition, the



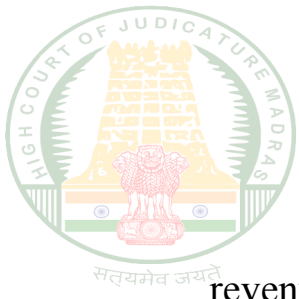
W.P.No.15633 of 2023

WEB COPY

respondents 8 and 9 have also made a representation dated 21.01.2022 to the 4th respondent, objecting to the order of the 4th respondent including the names of the petitioner and his sister in patta standing in the name of the respondents 7 and 9. The 10th respondent also submitted a similar objection.

17. The 4th respondent entertaining the objection cancelled the patta issued to the petitioner and modified the revenue records. The respondents have not availed the appeal remedy and the 4th respondent has committed an error in entertaining the representation. The objections were submitted by the petitioner to the notice issued by the 4th respondent, wherein the petitioner contended that the 4th respondent had no jurisdiction to entertain the objection submitted by respondents 7 to 10, since the matter was before this Court in C.R.P.No.2954 of 2021.

18. The Revenue Standing Order 31 (6) (i) prohibits the



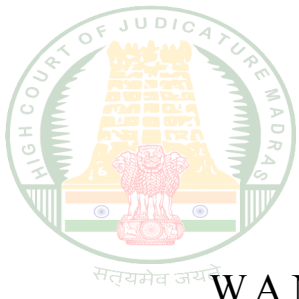
W.P.No.15633 of 2023

WEB COPY

revenue officials from entertaining any application when there is a dispute pending before this Civil Court. The petitioner has obtained a decree in O.S.No.189 of 2020 and the 4th respondent ought not to have entertained the application and set aside the patta. Though the order of the 4th respondent is subject to revision under Section 13, however, since the revision would lie only before the District Revenue Officer, the petitioner filed W.P.No.13268 of 2022 for an issue of Writ of Certiorari calling for the records of the 2nd respondent dated 09.05.2022 and to pass orders.

19. By order dated 25.05.2022, the Writ Petition was disposed of by holding that the impugned order and all other revenue orders would be kept in abeyance till the crystalisation of the civil rights between the parties. After finalisation of the rights either party should move the revenue authorities.

20. Aggrieved by the order, the 8th and 9th respondents filed



W.P.No.15633 of 2023

WEB COPY

W.A.No.1591 of 2022. The order of the learned Single Judge was confirmed in an appeal as well, with clarification that if there were other properties other than the property which is the subject matter of the Writ that would not be subject to the order passed by the single Judge.

21. Further, respondents 7 to 9 in connivance with the erstwhile Tahsildar, Rajnikanth along with the erstwhile incharge Revenue Divisional Officer passed the order dated 20.05.2022 when civil proceedings were pending between the parties, this was challenged in W.P.No.13268 of 2022 and this Court was pleased to direct revenue authorities to keep in abeyance all further proceedings till the civil disputes are crystalised between parties. This order was confirmed by the Division Bench with a clarification that properties not covered by the civil litigation will not be the subject matter of the order passed by the Single Judge. Despite which the revenue officials have colluded together and transferred patta in favour of



W.P.No.15633 of 2023

WEB COPY

respondents 7 to 10 suppressing the pendency of CRP.No. 2954 of 2021. This Court by order dated 28.04.2023 in C.R.P.No.2954 of 2021 has re-opened the suit in O.S.No.189 of 2020 and suo motu impleaded respondents 7 to 9.

22. The respondents 7 to 9 have filed a detailed counter, wherein, they would submit that the petitioner has come to the Court suppressing the true facts. Their main contention is that the “Will” which is now been propounded by the petitioner and his sister is manipulated and fabricated “Will”. They have come to the Court with unclean hands and are therefore not entitled to any relief.

23. It is their contention that O.S.No.189 of 2020 is a collusive litigation made with an attempt to snatch the property which now stands in the name of the respondents 7 to 9, by virtue of the “Will” dated 24.08.1979. They would further submit that the petitioner has impenitently abused the process of Justice and obtained a



W.P.No.15633 of 2023

WEB COPY

compromise decree dated 22.10.2021. On coming to know about the decree, these respondents have challenged the same before this Court in C.R.P.No.2954 of 2021 and this Court has categorically observed that the decree in itself is obtained on the basis of an unprobated “Will”. The decree was set aside and therefore it is their contention that the Courts should have restored status quo, which meant that the patta should be transferred in the name of the respondents.

24. It is their contention that Chakrapani executed a “Will” dated 24.08.1979, bequeathing his property on the children of the 7th respondent and a portion of the property in favour of his four sisters. A life interest was created in favour of his wife Mythili and his mother Kannamal. The “Will” executed by Mythili dated 10.04.1980 was denied and the respondents would contend that Mythili who was having only a life interest, did not have any right to alienate or transfer the property.

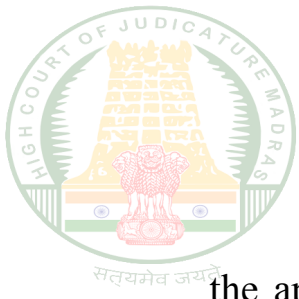


W.P.No.15633 of 2023

WEB COPY

25. The respondents 7 to 9 would further submit that the petitioner was very much aware about the “Will” dated 24.08.1979, which had been disclosed as early as on 25.11.1999, in the written statement filed by the 7th respondent in the suit C.S.No.563 of 1981, which was later transferred to the file of the IV Assistant City Civil Court, Chennai and re-numbered as O.S.No.3403 of 1997. The “Will” which has now been put forward by the petitioner is one executed in Chennai. Therefore, it has to be probated since the same has not been probated. It is clear that the said “Will” is a fabricated one.

26. The suit O.S.No.3403 of 1997 was dismissed for default and the petitioner had filed multiple applications for restoration and condonation of delay, which were also dismissed, i.e., I.A.Nos.23148 of 2006 and 4224 of 2007. Thereafter, once again applications in I.A.Nos.7867 and 7868 of 2008 were filed to restore



W.P.No.15633 of 2023

WEB COPY

the application that had been dismissed, which was also dismissed by order dated 04.02.2010. Therefore, the suit O.S.No.3403 of 1997 stood dismissed for default.

27. The respondents would further submit that on the basis of the fabricated “Will” dated 10.04.1980, the suit for partition had been collusively filed by the petitioner and his sister after a long delay. The respondents would further submit that even assuming without admitting that Mythili had executed a genuine “Will”, the said Mythili had only an half share in the properties of Chakrapani as the other half share belonged to his mother Kannamal, who also succeeded to the property on the death of Chakrapani, it clearly points out that the petitioner has come to the Court with a collusive and fabricated case.



W.P.No.15633 of 2023

WEB COPY

28. The respondents would submit that the petitioner has totally misunderstood the language of the order passed in C.R.P.No.2954 of 2021. The respondents have questioned not only the rights of the petitioner to the property but also set out the various acts of fraud that has been alleged to have been done by the petitioner herein and sought for dismissal of the Writ Petition.

29. This Court does not want to traverse to each and every allegations contained in the counter affidavit.

30. Heard the learned counsels on the either side and perused the records.

31. The said Chakrapani inherited the properties from his father, Baktavatchalu. The said Chakrapani died intestate and his property devolved upon his wife, Mythili. The said Mythili inturn had bequeathed her right in favour of the children of her only



W.P.No.15633 of 2023

WEB COPY

brother, Gajapathy. The “Will” has been executed in Chennai.

32. It is the contention of the petitioner in the affidavit filed in support of the Writ Petition that he is not aware about this “Will” and it was only when the restoration application in C.S.No.563 of 1981, was filed that they had come to know about the said “Will”.

33. In the plaint in C.S.No.563 of 1981, the petitioner and his sister have stated as follows:

“The plaintiffs 2 and 3 are the sole legatees of their father's sister C.Mythili, who died on 15.09.1980 leaving a registered Will dated 10.04.1980. The Will is the subject of proceedings in this High Court in the testamentary jurisdiction. The plaintiffs have applied for probate of the Will and the application for probate was filed on 12.01.1981.”



W.P.No.15633 of 2023

WEB COPY

34. Contrary to this admission, in the affidavit filed in the instant Writ Petition the petitioner would submit as follows:

“Unfortunately, Mythili did not disclose the fact that she had executed a registered will bearing No.22 of 1980 to our favour. It is also relevant submit that Mythili expired on 19.09.1980 a few months after having executed her Will. I most respectfully submit that even though my mother was one of the attesting witness to the Will dated 10.04.1980 executed by Mythili, I and my sister were not aware of the existence of the Will till the filing of the restoration petition in C.S.No.563 of 1981, which was re-numbered as O.S.No.3403 of 1997”.

This statement stands exposed as a false statement, in the light of the averments in the plaint in C.S.No.563 of 1981.



W.P.No.15633 of 2023

WEB COPY

35. That apart, there appears to be serious dispute with reference to the title to the property and the matter is subjudice before the Court below.

36. The respondents 7 to 10 would contend that Chakrapani during his lifetime had executed a “Will” dated 24.08.1979. If that “Will” is proved to be true then the petitioner would not be entitled to any extent of the property.

37. The petitioners on the contrary set forth a “Will” of Mythli dated 10.04.1980. The petitioner's suit filed in the year 1981 has been dismissed for default. The petitioner has sought for probate of the “Will” purported to have been executed by Mythli only in the year 2023 in O.P.No.742 of 2023. Therefore, the petitioner is not entitled to the relief claimed in this Writ Petition.

38. The suit filed by the petitioner's sister against him in



W.P.No.15633 of 2023

WEB COPY

O.S.No.189 of 2020 on the file of the IV Additional District Court, Ponneri, has been set aside vide orders of this Court in C.R.P.No.2954 of 2021. This Court while setting aside the decree in O.S.No.189 of 2020 on the file of the IV Additional District Judge, Ponneri, had suo motu impleaded respondents 8 and 9, herein as defendants in the suit along with the 7th respondent herein, who has been arrayed as the 4th defendant.

39. The Trial Court was issued with directions to implead all parties who are interested in the property and the Court was directed to dispose of the suit in terms of the evidence before it uninfluenced by any observation made against the petitioner and his sister in the order.

40. Further, in W.A.No.1591 of 2022, this Court while modifying the order of the learned Single Judge in W.P.No.13268 of 2022, clarified that the order would not apply in respect of the



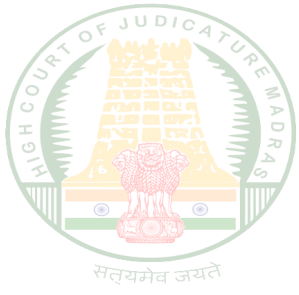
W.P.No.15633 of 2023

WEB COPY

properties, which do not form part of the civil litigation. No doubt, at that point in time, decree in O.S.No.189 of 2020 was pending. However, the language of the Division Bench order is very clear that so long as that civil litigation is pending, status quo would be maintained in respect of the property covered under the civil litigation. Since the petitioner has obtained patta on the strength of the decree in O.S.No.189 of 2020 and the same has now been set aside, the revenue records should be restored back to status quo ante.

41. The relief claimed by the petitioner in this regard cannot be granted particularly when the petitioner's suit for administration had been dismissed, the application to set aside the order has also been dismissed and the partition decree obtained by them has also been set aside.

42. Therefore, the Writ Petition is dismissed.



W.P.No.15633 of 2023

02.01.2025

WEB COPY

Index : Yes/No
Internet : Yes/No
kan

To

1.The Collector
Tiruvallur,
Tiruvallur District.

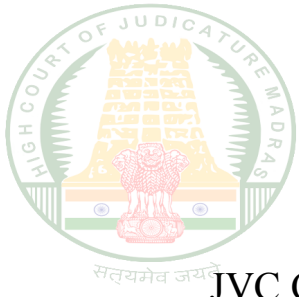
2.The District Revenue Officer,
Office of the Collectorate,
Tiruvallur.

3.The Revenue Divisional Officer,
Ponneri Taluk,
Tiruvallur District.

4.The Tahsildar,
Ponneri Taluk,
Tiruvallur District.

5.The District Registrar,
Tiruvallur District Registrar Office,

42/59



W.P.No.15633 of 2023

WEB COPY
JVC Complex, Near IMR,
Tiruvallur - 631 293.

6.The Sub Registrar,
Redhills Sub Registrar Officer,
No. 2, Sothupakkam Road,
Next to Sivan Koil,
Palavoyal, Red Hills, Chennai - 600 052.

P.T. ASHA, J,

kan

W.P.No. 15633 of 2023



W.P.No.15633 of 2023

WEB COPY

02.01.2025he petitioner and his sister in patta standing in the name of the respondents 7 and 9. The 10th respondent also submitted a similar objection.

17. The 4th respondent entertaining the objection cancelled the patta issued to the petitioner and modified the revenue records. The respondents have not availed the appeal remedy and the 4th respondent has committed an error in entertaining the representation. The objections were submitted by the petitioner to the notice issued by the 4th respondent, wherein the petitioner contended that the 4th



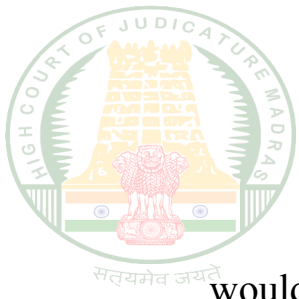
W.P.No.15633 of 2023

WEB COPY

respondent had no jurisdiction to entertain the objection submitted by respondents 7 to 10, since the matter was before this Court in C.R.P.No.2954 of 2021.

18. The Revenue Standing Order 31 (6) (i) prohibits the revenue officials from entertaining any application when there is a dispute pending before this Civil Court. The petitioner has obtained a decree in O.S.No.189 of 2020 and the 4th respondent ought not to have entertained the application and set aside the patta. Though the order of the 4th respondent is subject to revision under Section 13, however, since the revision would lie only before the District Revenue Officer, the petitioner filed W.P.No.13268 of 2022 for an issue of Writ of Certiorari calling for the records of the 2nd respondent dated 09.05.2022 and to pass orders.

19. By order dated 25.05.2022, the Writ Petition was disposed of by holding that the impugned order and all other revenue orders



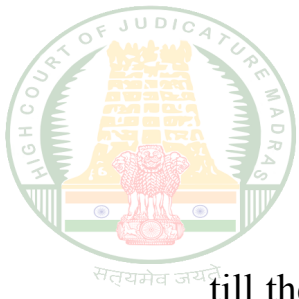
W.P.No.15633 of 2023

WEB COPY

would be kept in abeyance till the crystalisation of the civil rights between the parties. After finalisation of the rights either party should move the revenue authorities.

20. Aggrieved by the order, the 8th and 9th respondents filed W.A.No.1591 of 2022. The order of the learned Single Judge was confirmed in an appeal as well, with clarification that if there were other properties other than the property which is the subject matter of the Writ that would not be subject to the order passed by the single Judge.

21. Further, respondents 7 to 9 in connivance with the erstwhile Tahsildar, Rajnikanth along with the erstwhile incharge Revenue Divisional Officer passed the order dated 20.05.2022 when civil proceedings were pending between the parties, this was challenged in W.P.No.13268 of 2022 and this Court was pleased to direct revenue authorities to keep in abeyance all further proceedings



W.P.No.15633 of 2023

WEB COPY

till the civil disputes are crystalised between parties. This order was confirmed by the Division Bench with a clarification that properties not covered by the civil litigation will not be the subject matter of the order passed by the Single Judge. Despite which the revenue officials have colluded together and transferred patta in favour of respondents 7 to 10 suppressing the pendency of CRP.No. 2954 of 2021. This Court by order dated 28.04.2023 in C.R.P.No.2954 of 2021 has re-opened the suit in O.S.No.189 of 2020 and suo motu impleaded respondents 7 to 9.

22. The respondents 7 to 9 have filed a detailed counter, wherein, they would submit that the petitioner has come to the Court suppressing the true facts. Their main contention is that the “Will” which is now been propounded by the petitioner and his sister is manipulated and fabricated “Will”. They have come to the Court with unclean hands and are therefore not entitled to any relief.

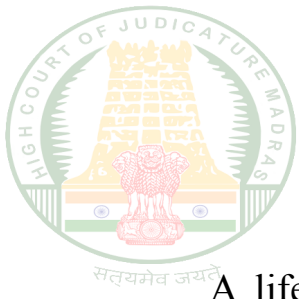


W.P.No.15633 of 2023

WEB COPY

23. It is their contention that O.S.No.189 of 2020 is a collusive litigation made with an attempt to snatch the property which now stands in the name of the respondents 7 to 9, by virtue of the “Will” dated 24.08.1979. They would further submit that the petitioner has impenitently abused the process of Justice and obtained a compromise decree dated 22.10.2021. On coming to know about the decree, these respondents have challenged the same before this Court in C.R.P.No.2954 of 2021 and this Court has categorically observed that the decree in itself is obtained on the basis of an unprobated “Will”. The decree was set aside and therefore it is their contention that the Courts should have restored status quo, which meant that the patta should be transferred in the name of the respondents.

24. It is their contention that Chakrapani executed a “Will” dated 24.08.1979, bequeathing his property on the children of the 7th respondent and a portion of the property in favour of his four sisters.



W.P.No.15633 of 2023

WEB COPY

A life interest was created in favour of his wife Mythili and his mother Kannamal. The “Will” executed by Mythili dated 10.04.1980 was denied and the respondents would contend that Mythili who was having only a life interest, did not have any right to alienate or transfer the property.

25. The respondents 7 to 9 would further submit that the petitioner was very much aware about the “Will” dated 24.08.1979, which had been disclosed as early as on 25.11.1999, in the written statement filed by the 7th respondent in the suit C.S.No.563 of 1981, which was later transferred to the file of the IV Assistant City Civil Court, Chennai and re-numbered as O.S.No.3403 of 1997. The “Will” which has now been put forward by the petitioner is one executed in Chennai. Therefore, it has to be probated since the same has not been probated. It is clear that the said “Will” is a fabricated one.



W.P.No.15633 of 2023

WEB COPY

26. The suit O.S.No.3403 of 1997 was dismissed for default and the petitioner had filed multiple applications for restoration and condonation of delay, which were also dismissed, i.e., I.A.Nos.23148 of 2006 and 4224 of 2007. Thereafter, once again applications in I.A.Nos.7867 and 7868 of 2008 were filed to restore the application that had been dismissed, which was also dismissed by order dated 04.02.2010. Therefore, the suit O.S.No.3403 of 1997 stood dismissed for default.

27. The respondents would further submit that on the basis of the fabricated “Will” dated 10.04.1980, the suit for partition had been collusively filed by the petitioner and his sister after a long delay. The respondents would further submit that even assuming without admitting that Mythili had executed a genuine “Will”, the said Mythili had only an half share in the properties of Chakrapani as the other half share belonged to his mother Kannamal, who also succeeded to the property on the death of Chakrapani, it clearly



W.P.No.15633 of 2023

WEB COPY

points out that the petitioner has come to the Court with a collusive and fabricated case.

28. The respondents would submit that the petitioner has totally misunderstood the language of the order passed in C.R.P.No.2954 of 2021. The respondents have questioned not only the rights of the petitioner to the property but also set out the various acts of fraud that has been alleged to have been done by the petitioner herein and sought for dismissal of the Writ Petition.

29. This Court does not want to traverse to each and every allegations contained in the counter affidavit.

30. Heard the learned counsels on the either side and perused the records.



W.P.No.15633 of 2023

WEB COPY

31. The said Chakrapani inherited the properties from his father, Baktavatchalu. The said Chakrapani died intestate and his property devolved upon his wife, Mythili. The said Mythili in turn had bequeathed her right in favour of the children of her only brother, Gajapathy. The “Will” has been executed in Chennai.

32. It is the contention of the petitioner in the affidavit filed in support of the Writ Petition that he is not aware about this “Will” and it was only when the restoration application in C.S.No.563 of 1981, was filed that they had come to know about the said “Will”.

33. In the plaint in C.S.No.563 of 1981, the petitioner and his sister have stated as follows:

“The plaintiffs 2 and 3 are the sole legatees of their father's sister C.Mythili, who died on 15.09.1980 leaving a registered Will dated 10.04.1980. The Will is



WEB COPY



W.P.No.15633 of 2023

the subject of proceedings in this High Court in the testamentary jurisdiction. The plaintiffs have applied for probate of the Will and the application for probate was filed on 12.01.1981.”

34. Contrary to this admission, in the affidavit filed in the instant Writ Petition the petitioner would submit as follows:

“Unfortunately, Mythili did not disclose the fact that she had executed a registered will bearing No.22 of 1980 to our favour. It is also relevant submit that Mythili expired on 19.09.1980 a few months after having executed her Will. I most respectfully submit that even though my mother was one of the attesting witness to the Will dated 10.04.1980 executed by Mythili, I and my sister were not aware of the existence of the Will till the filing of the restoration petition in



WEB COPY



W.P.No.15633 of 2023

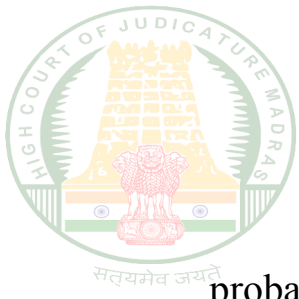
*C.S.No.563 of 1981, which was re-numbered as
O.S.No.3403 of 1997”.*

This statement stands exposed as a false statement, in the light
of the averments in the plaint in C.S.No.563 of 1981.

35. That apart, there appears to be serious dispute with
reference to the title to the property and the matter is subjudice
before the Court below.

36. The respondents 7 to 10 would contend that Chakrapani
during his lifetime had executed a “Will” dated 24.08.1979. If that
“Will” is proved to be true then the petitioner would not be entitled
to any extent of the property.

37. The petitioners on the contrary set forth a “Will” of
Mythili dated 10.04.1980. The petitioner's suit filed in the year 1981
has been dismissed for default. The petitioner has sought for



W.P.No.15633 of 2023

WEB COPY

probate of the “Will” purported to have been executed by Mythli only in the year 2023 in O.P.No.742 of 2023. Therefore, the petitioner is not entitled to the relief claimed in this Writ Petition.

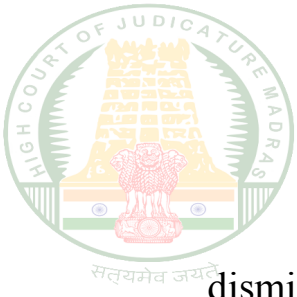
38. The suit filed by the petitioner's sister against him in O.S.No.189 of 2020 on the file of the IV Additional District Court, Ponneri, has been set aside vide orders of this Court in C.R.P.No.2954 of 2021. This Court while setting aside the decree in O.S.No.189 of 2020 on the file of the IV Additional District Judge, Ponneri, had suo motu impleaded respondents 8 and 9, herein as defendants in the suit along with the 7th respondent herein, who has been arrayed as the 4th defendant.

39. The Trial Court was issued with directions to implead all parties who are interested in the property and the Court was directed to dispose of the suit in terms of the evidence before it uninfluenced by any observation made against the petitioner and his sister in the



40. Further, in W.A.No.1591 of 2022, this Court while modifying the order of the learned Single Judge in W.P.No.13268 of 2022, clarified that the order would not apply in respect of the properties, which do not form part of the civil litigation. No doubt, at that point in time, decree in O.S.No.189 of 2020 was pending. However, the language of the Division Bench order is very clear that so long as that civil litigation is pending, status quo would be maintained in respect of the property covered under the civil litigation. Since the petitioner has obtained patta on the strength of the decree in O.S.No.189 of 2020 and the same has now been set aside, the revenue records should be restored back to status quo ante.

41. The relief claimed by the petitioner in this regard cannot be granted particularly when the petitioner's suit for administration had been dismissed, the application to set aside the order has also been



W.P.No.15633 of 2023

WEB COPY

dismissed and the partition decree obtained by them has also been set aside.

42. Therefore, the Writ Petition is dismissed.

02.01.2025

Index : Yes/No
Internet : Yes/No
kan

To

1.The Collector
Tiruvallur,
Tiruvallur District.

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

57/59



W.P.No.15633 of 2023

WEB COPY

3.The Revenue Divisional Officer,
Ponneri Taluk,
Tiruvallur District.

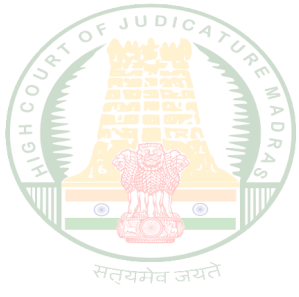
4.The Tahsildar,
Ponneri Taluk,
Tiruvallur District.

5.The District Registrar,
Tiruvallur District Registrar Office,
JVC Complex, Near IMR,
Tiruvallur - 631 293.

6.The Sub Registrar,
Redhills Sub Registrar Officer,
No. 2, Sothupakkam Road,
Next to Sivan Koil,
Palavoyal, Red Hills, Chennai - 600 052.

P.T. ASHA, J,

kan



WEB COPY



W.P.No.15633 of 2023

W.P.No. 15633 of 2023

02.01.2025