

W.A.No.2298 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2025

CORAM :

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**W.A.No.2298 of 2025
and
C.M.P.No. 17531 of 2025**

Sri Jaya Educational Trust
Rep. by Trustee Mr.K.Sadhasivam,
No.1, VOC 1st Street, Kodambakkam,
Chennai - 600 024.

.. Appellant

VS

- 1.The Revenue Divisional Officer,
Chennai Central Division,
Ambattur Division,
5-73, SH 112, Gandhi Nagar,
Anna Nagar West Extension,
Chennai - 600 040.
- 2.The Tahsildhar,
Maduravoyal, Chennai.
- 3.The District Collector,
Chennai.
- 4.V.K.Ramamurthy
- 5.P.T.Balasamy (Deceased) .. Respondents

Prayer : Appeal filed under Clause 15 of Letters Patent against order dated 22.01.2025 made in W.P.No. 14639 of 2021.

For Appellant : Mr.NL. Rajah, Senior Counsel



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for Mr.B. Hari Krishnan

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For Respondents : Mr.A.Selvendran
Special Government Pleader
for R1 to R3
Mr.M.A.Lakshmipathi, for R4

JUDGMENT

(Delivered by Dr. ANITA SUMANTH.,J)

The present appeal is filed by a Trust challenging the order passed by the learned single Judge dated 22.01.2025. The challenge in the Writ Petition was for a mandamus directing the Revenue Divisional Officer (RDO)/R1 to cancel patta Nos.4475 and 440 issued by the Tahsildar, Maduravoyal Taluk, Chennai District to V.K.Ramamurthy and his siblings and to P.T.Balasamy, who are arrayed as R4 and R5 in this appeal, in respect of the properties at S.Nos.13/1A1, 13/1A2, 13/1B, 13/2 and 13/3 admeasuring 10 acres at Maduravoyal Village, Chennai District ('property'/'property in question').

2. The genesis of the matter may be traced to O.S.No.203 of 1996 that had been filed by Sivakozhudammal and others before the Sub Court, Poonamallee seeking declaration and permanent injunction against Jayalakshmi Ammal as well as R4 in respect of the property in question. In that suit, the appellant was the 8th plaintiff. The suit came to be decreed on 22.01.2020. As against the same, R4, who is aggrieved by the



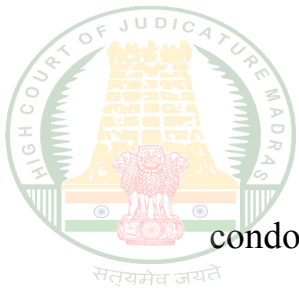
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decree chose to file W.P.Nos.1520 to 1525 of 2010 that were tagged along with W.A.Nos.379 and 380 of 2010 before the Division Bench.

3. The aforesaid batch of Writ Petitions and Writ Appeals came to be closed on 01.04.2010 directing R4 to approach the jurisdictional Court by way of first appeal. A.S.No.3 of 2001 was thus come to be filed by R4 on the file of the District Court, Tiruvallur, belatedly, with a delay of 3 days. I.A.No.80 of 2011 was taken out by the appellant seeking dismissal of the appeal as barred by limitation. That I.A. had come to be allowed on 28.03.2012, challenging which C.R.P.No.2406 of 2012 had been filed, which came to be dismissed on 31.07.2012 directing R4 to file a second appeal. As a consequence, S.A.No.981 of 2012 came to be filed.

4. Pending Second Appeal, proceedings had been initiated by the National Highways Authority of India (NHAI) for acquisition of a portion of the subject property and R4 along with his siblings appeared to have represented before the NHAI that they are the sole owners of the property, on the basis of which, consideration for acquisition was received by them.

5. The Second Appeal was taken up thereafter and the matter had been remanded to the District Court, Tiruvallur, the Court directing that a



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condonation petition be filed. There was also a direction to deposit 1/6th of the compensation amount. Challenging the aforesaid order, an SLP was filed before the Supreme Court, which was allowed by order dated 02.12.2014, the Supreme Court noting that the delay was only for a period of 3 days. There was direction to this Court to decide the Second Appeal on merits.

6. It is hence that an order came to be passed on 30.11.2020, wherein this Court remanded the matter to the file of the District Court, Tiruvallur for adjudication on merits upon condition to deposit the amount received as compensation. We are now given to understand that deposit has been made to the credit of O.S.No.203 of 1996 and the matter is pending disposal.

7. The Writ Petition giving rise to this appeal seeking mandamus, had come to be disposed on 22.01.2025 and the learned Judge has therein, and rightly, dismissed the Writ Petition, holding that the fate of the revenue records would depend on the decision to be arrived at in the first appeal.

8. Neither of the parties before us is per se aggrieved by the above conclusion of the Court. However, in paragraph 42 of the order of the Writ Court, the learned Judge has directed that the patta in respect of the



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property in question be restored to the name of Jayalakshmi Ammal, who is no more as on date.

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9. In any event, since the fate of the patta as well as other revenue records including mutation thereof, would depend entirely on the decision to be arrived at in the first appeal, it would be appropriate to keep the patta/revenue records in animated suspension/in abeyance to await the decision in A.S.No.3 of 2011 on the file of District Court, Tiruvallur. Let the revenue records reflect the pendency of the litigation before the Civil Court and be finalised based on the result of the said litigation. To this extent, order dated 22.01.2025 stands modified.

10. With the aforesaid modification in order dated 22.01.2025, this Writ Appeal stands disposed. No costs. Connected Miscellaneous Petition is closed.

[A.S.M., J] [N.S., J]
29.07.2025

Index: Yes/No
Speaking Order
Neutral Citation: Yes
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and
N.SENTHILKUMAR, J.

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To

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