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A NO. 2303 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2025

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THE HONOURABLE MR JUSTICE S. S. SUNDAR

A NO. 2303 of 2025

AND

A NO. 2304 OF 2025

R.Kalavathi and 3 others

W/o.Ravikumar, No.4, Vellalar Street, Mel Ayanambakkam,
Maduravoyal, Chennai 600 095. and 3 Others

Applicant(s)

Vs

C.Kandasamy Trust

Represented by the Administrative General and Official
Trustee, The Administrative General and Official Trustee of
Tamilnadu, Family Court Building, 1st Floor, High Court of
Madras Campus, Chennai 600 014.

Respondent(s)

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Tamilnadu, Family Court Building, 1st Floor, High Court of
Madras Campus, Chennai 600 014.

Respondent(s)

For Applicant(s):

Mr.Sankara Subbu in both applications

For Respondent(s):

Mr. D.Lingeswaran,
Administrator General and Official Trustee Of Tamilnadu.
in both applications



COMMON ORDER

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These applications are filed by the persons claiming to be the legal heirs of one A.R.Krishnaswamy, to set aside the auction dated 23.04.2025 conducted by the respondent and to grant interim stay of confirmation of the auction in respect of S.No.87/2, Ayanambakkam Village, measuring 99 Cents, in Ayanambakkam Vilalge, Poonamallee Taluk, Thiruvallur District.

2.The applicants claim that the land measuring an extent of 99 Cents comprised in S.No.87/2, Ayanambakkam Village, originally belonged to the applicants' ancestor by name A.R.Krishnaswamy and that the property was registered in the name of Sri A.R.Krishnaswamy in the Revision Survey and Resettlement Register of Ayanambakkam Village published in the year 1911. The applicants have also produced records to show that, during UDR, the property measuring an extent of 40.5 Ares in S.No.87/2 is shown as property of A.R.Krishnaswamy bearing Patta No.27. It is the applicants' further case that the original owner by name A.R.Krishnaswamy died intestate on 26.07.1985 leaving behind his wife Alamelu Ammal, his son A.K.Ravi Kumar, and two daughters Usha, the 2nd applicant, and Chitra, the 3rd applicant, as legal heirs. After the demise of Sri A.R.Krishnaswamy, the property was inherited by Alamelu Ammal and children. Alamelu Ammal died on 29.11.2002 and the son A.K.Ravikumar died on 30.01.2016. Therefore,



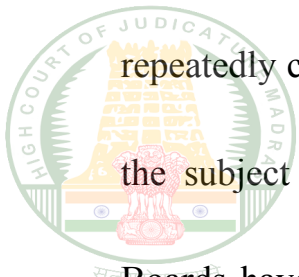
the applicants have stated that they are the legal heirs of Late Thiru. A.R.Krishna

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3.It is the further case of the applicants that the 4th applicant, with an intention to demarcate and fence the property, approached the Tahsildar. The applicants were informed by the Tahsildar that patta in respect of S.No.87/2 measuring 99 Cents has now been transferred in the name of C.Kandasamy Naidu Trust vide Patta No.277 and thereafter, the applicants came to know that the transfer of patta was effected in the year 2003. Since original Village records and Village accounts shows that the property was registered in the name of A.R.Krishnaswamy, it is stated by the applicants that the order transferring patta in favour of the Trust is not appropriate.

4.It is admitted that the property in S.No.87/1 in Ayanambakkam Village measuring 99 Cents is now registered in the holding of C.Kandasamy Naidu Trust. The applicants have earlier filed an application in A.No.978 of 2025 for a direction directing the respondent to furnish relevant title deeds pertaining to the property of C.Kandasamy Naidu Trust. The learned AG & OT has already taken care to see that the property is cleared and fenced pursuant to the directions of this Court. The same property along with other properties have been put to public auction for four times. The entire property, measuring about 52 and odd Acres belongs to the Trust, had been cleared and fenced pursuant to the directions of this Court by spending substantial amount. There was absolutely no objection received

from any quarters all these years and there is no one to oppose the auction that was



repeatedly conducted in respect of several other properties including the property

the subject matter of this application. The public auction was widely published. Flex

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Boards have been installed in 7 plots demarcating the property of Trust. The applicants have not produced before this Court any title deeds pertaining to the property. Even though the photocopy of revenue records are produced before this Court, this Court is unable to verify the genuineness of those documents. The property comes under the administration of the Official Trustee. The property is vacant and fully fenced. Hence, this Court records that the possession is with AG & OT. In other words, the entire property, including the property in S.No.87/2 in Ayanambakkam Village, is in the possession of AG & OT.

5. In such circumstances, this Court is of the view that these applications claiming title or consequential reliefs on the basis of title cannot be decided unless the facts or records are admitted. Since question of title has been raised for the first time, this Court doubts the *bona fides* of the applicants. Hence, without prejudice to the rights of the Trust and the applicants, this Court dismisses these applications with liberty to the applicants to approach the Civil Court to establish their title in the manner known to law.

29-04-2025



To

The Administrator General and Official Trustee,

High Court of Madras Campus, Chennai 600 014.

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S.S.SUNDAR J.



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