



A. No. 4005 of 2025
and C.S. No. 403 of 2013
and C.S. No. 284 of 2013

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2025

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THE HONOURABLE Dr. JUSTICE R.N.MANJULA

A. No. 4005 of 2025
and C.S. No. 403 of 2013
and C.S. No. 284 of 2013

K.Hemalatha

...Applicant

Vs.

- 1.Arulmigu Somanatha Swami Temple
Rep. by its Executive Officer
Kolathur, Chennai-600099.
- 2.The Special Commissioner and
Commissioner of Land Administration
Chepauk, Chennai-600 005.
- 3.The Collector of Chennai
Chennai District, Singaravelar Maligai
Rajaji Salai, Chennai-600001.
- 4.The Tahsildar
Perambur – Purasawalkam Taluk
Chennai-600011.
- 5.The Sub-Registrar
Sembium Sub Registrar Office
Perambur, Chennai-600011.



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6.R.Vetri

7.N.Sivaraman

8.The Government of Tamil Nadu
Rep. by its Principal Secretary Revenue
Department, Fort St. George
Chennai-600009.

... Respondents

Prayer : This application has been filed under Order XIV Rule 8 of the Original Side Rules read with Order 1 Rule 10(2) of the Code of Civil Procedure, praying to implead the applicant herein as 8th defendant in the above C.S. No. 403 of 2013.

For applicant : M/s.Anish Gopi

ORDER

This application has been filed by a third party to implead herself as 8th defendant in CS. No. 403 of 2013.

2. The plaintiff is the Temple and the respondents 2, 3, 4 and 7 are Government defendants/respondents and the respondents 5 and 6 are private defendants/respondents, who have been set exparte.

3. The suit had been filed for declaration of title and also for declaration of the sale deed dated 06.01.1990 executed in favour of the defendants 5 and 6 are null and void along with the relief of permanent injunction.



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WEB COPY 4. Now this applicant has submitted that he is a *bonafide* purchaser of the property and he has acquired interest over the same by way of Deed of Power of Attorney dated 20.08.1999 vide Document No. 239 of 1999 on the file of the Sub Registrar Office, Sowcarpet.

4.1. He further submitted that the property has been originally classified as 'Ryotwari land' and a patta has been granted by Arulmighu Somanatha Swamy Devastanam to Thiru.Punniyakodi Raju in the year 1904. Subsequent to his demise in the year 1958, the property was inherited through adoption and inheritance to one Tmt.Radhabai, who is his adopted daughter. The revenue records stood in the name of Radhabai.

4.2. During the Survey Settlement Operations under the Abolition Act, no notice was issued to the predecessor in title and the lands have been wrongly classified as 'Waste Dry Land'. Radhabai, who persuaded to get a legal remedy and get a patta has not been successful in getting the patta. Hence, after her demise in the year 1984, her son, Jayakumar continued the effort by way of filing a writ petition in W.P. No.8664 of 1997.



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4.3. The Assistant Settlement Officer, Tiruvannamalai in his order dated 10.12.1999 has allowed the claim of the applicant under Section 11 of the Tamil Nadu Act XXVI of 1948 by confirming the rights of the applicant's predecessor in interest.

4.4. As the property has been wrongly classified as 'Anaadinam land' and the Assistant Settlement Officer has also wrongly recorded the property as 'Ryotwari land' instead of 'Ryoti land'. Hence, the applicant is a necessary party.

Discussion:-

5. The applicant claims as though he has got interest in the property by virtue of the alleged Power of Attorney dated 20.08.1999 executed by some third parties, who claimed interest in the suit property. In fact, some of the parties to the power of attorney have already filed W.P. 5606 of 2002 in which an order has been passed directing the 1st respondent /the Special Commissioner & Commissioner of Land Administration to consider the documents produced by those petitioners and pass an order. Such an order has been passed on 09.07.2013.



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However subsequent to the order dated 09.07.2013, a proceedings has been issued by the Principal Secretary and Commissioner of Land Administration on 14.02.2014 by setting aside the order of the Assistant Settlement Officer in SR. No. 3 of 1998 dated 10.12.1999. The above order dated 14.02.2014 is to the effect of cancelling the order granting patta in favour of the alleged predecessor in title of this applicant.

6. Despite the order has been passed on 14.02.2014 and a copy of that has also been served upon the applicant, he has not challenged the same so far.

7. One thing which is now clear is that the applicant who seeks to title through one Radhabai and his son Jayakumar have themselves not established any title in the property. The applicant is trying to abuse the process of the Court by making undue claims by virtue of an alleged Power of Attorney executed by third parties, who themselves do not have any title or right in the property.

8. In view of the above reasons, this application is dismissed. No costs.

9. Considering the submission of the learned counsel for the



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parties, the matter is sent back to the learned Additional Master No.I for directing the parties to appear before the learned Additional Master No.I on 22.09.2025, for recording of evidence.

15.09.2025

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Dr.R.N.MANJULA, J.

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