



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 8681 of 2017

and WMP.Nos.9513 of 2017 and 47391 of 2025

1. P. Sampath Mesthri

S/o. Late Mr. Palani, No.11/66, Indira
Nagar, Pudupettai, Chittoor District,
Andhra Pradesh State.

2. K. Kanniappan

S/o. Late mr. D. Kuppusamy Mudaliar,
No.83 B, Arupperum Selvi Street,
Periya Kancheepuram - 631 502.

3. S.Subramani

S/o. Late Mr. Shambandam Mudaliar,
Old No.13A, Kancheepuram,
Kamachthiamman Sannathi street,
Periya Kancheepuram,.

4. Pitchandi

S/o. Late Mr. Ekambaram, 1/330,
Thiruvalluvar Salai, Enjampakkam,
Chennai - 600 041.

5. P.Bhuvaneswari

D/o.Late Mr.P.Sampath Mesthri

6. S.Karthik

S/o.Late Mr.P.Sampath Mesthri
(P5 & P6 have been impleaded vide order dated
04.11.2025 in WMP.No.47391 of 2025 in WP.No.
8681 of 2017)

Petitioner(s)

Vs



1. The District Collector
Kancheepuram

2. The District Revenue Officer
Kancheepuram

3. The Tahsildar
Kancheepuram

4. Mr. Rajmohan

5. Mr. Neelaganda Mudaliar

6. Mr. S. Sridhar

Respondent(s)

The writ petition has been filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records in pursuant to order dated 06.02.2017 in Na.Ka.No.1507/2015/N-3 passed by the second respondent, quash the same.

For Petitioner(s): M/s.B.Manimaran
Devaraj Mahesh

For Respondent(s): Mrs.S.Anitha, SGP RR1 to 3
Mr.R.Krishnaswamy R6
R4 – No appearance
R5 – Died (Steps due)

ORDER

During pendency of the writ petition, the first petitioner died. The legal heirs have been impleaded as petitioners 5 & 6 vide order dated 04.11.2025. The writ petition has been filed seeking to quash the order dated 06.02.2017 in Na.Ka.No.1507/2015/N-3 passed by the second respondent.

2. It is the case of the petitioner that the properties situated at No.62 Konerikuppam Village, Kancheepuram District comprised in S.Nos.267/1,



267/2, 268/2, 268/3 and 269/2 total measuring about 14 acres 38 cents initially owned by petitioner's late Grand father Duraisamy Mudhaliar who died intestate leaving behind them as legal heirs viz., Adhi Lakshmiammal(wife), 2. Palani, 3.Kuppusamy, 4. Sampandam, 5. Ekambaram and 6.D.Arumugam. While so the above said persons Nos.2 to 6 gave birth of the petitioners along with others. In this way the petitioners had become the absolute owners and in possession of the above said property as lawful heirs.

3. Such being the circumstances, the respondents 4 to 6 have illegally obtained patta Nos.689, 184, 129 from the Tahsildar. Hence, during his life time, the father of the third petitioner gave representation to cancel the said patta which were fraudulently obtained by them. Since it was not considered, the father of the third petitioner filed a writ petition before this Court and this Court directed the Tahsildar to consider his plea. However, the third respondent has not examined the private respondents. Thereafter, the petitioners and other legal heirs had sent a representation dated 07.01.2015 to the respondents 1 to 3 to cancel the patta issued in favour of the private respondents and the same was not considered. Hence, the petitioners have filed writ petition before this Court in WP.No.20619 of 2015 and the same was disposed vide order dated 10.07.2015 directed the DRO, Kancheepuram to consider and dispose of the petitioner's representation dated 07.01.2015. Pursuant to the same, the second respondent has rejected the petitioners representation and passed the impugned



order. Challenging the same, the present writ petition has been filed.

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4. The learned counsel for the petitioner submitted that admittedly, the petitioners are the owner of the property. However, the Tahsildar inadvertently issued patta in favour of the private respondents which is not sustainable.

5. The learned Special Government Pleader appearing for the respondents submitted that the patta can be granted only on the basis of the title possessed by the parties. However, the petitioner has not established the title before the DRO. Therefore, the DRO has rightly passed the impugned order. If the petitioners have any grievance, they have to approach the competent civil Court.

6. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

7. As rightly submitted by the learned Government counsel that since it is a disputed question of fact between the parties and it is purely civil in nature, this Court cannot be decided the issue, the petitioners have to approach the competent civil forum. Without doing so, filing the present writ petition is not sustainable.

8. Considering the facts and circumstances of the case, this Court, without



going into the merits of the case, permit the petitioners to approach the competent Court for appropriate remedy.

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9. With the above directions, the writ petition is dismissed. No costs.

Consequently, WMP.Nos.9513 of 2017 is also closed.

04-11-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The District Collector
Kancheepuram

2. The District Revenue Officer
Kancheepuram

3. The Tahsildar
Kancheepuram



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M.DHANDAPANI J.

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