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W.A. Nos.3080 of 2024 and 2251 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2025

CORAM :

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

W.A. Nos.3080 of 2024 and 2251 of 2025
and

C.M.P. Nos.23319 of 2024 and 17269 of 2025

W.A. No.3080 of 2024:

R.Gopal
Secretary,
Ganesh Nagar Welfare Association,
No.16, Malligai Nagar Avenue, 2nd Street,
Kolathur, Chennai-99.

... Appellant

Vs.

- 1.The District Revenue Officer,
Singaravelar Maaligai,
Office of the Collector,
Chennai-1.
- 2.The Revenue Divisional Officer,
Central Chennai Division,
Anna Nagar West Extension,
Chennai-101.
- 3.The Revenue Tahsildar,
Ayanavaram Taluk,
Ayanavaram, Chennai-23.
- 4.S.Swamynathan



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5.The Commissioner
Greater Chennai Corporation,
Rippon Building, Chennai-3.

(R5 impleaded as party respondent vide Court order dated 19.09.2024 made in C.M.P.No.22691 of 2025 in W.A.No.3080 of 2024 by SMSJ & MSQJ)
... Respondents

W.A. No.2251 of 2025:

1.The District Revenue Officer,
Singaravelar Maligai,
Office of the Collector,
Chennai-600 001.

2.The Revenue Divisional Officer,
Central Chennai Division,
Anna Nagar West Extension,
Chennai-600101.

3.The Revenue Tahsildar,
Aynavaram Taluk,
Chennai.

...Appellants

Vs.

1.S.Swamynathan

2.R.Gopal
Secretary,
Ganesh Nagar Residents Welfare Association,
No.16, Malligai Nagar Avenue,
2nd Street, Kolathur, Chennai-99.

...Respondents



W.A. Nos.3080 of 2024 and 2251 of 2025

Prayer in W.A. No.3080 of 2024: Writ Appeal filed under Section 15 of the Letters Patent praying to set aside the order of this Court dated 10.07.2024 made in W.P.No.9656 of 2024.

Prayer in W.A. No.2251 of 2025: Writ Appeal filed under Section 15 of the Letters Patent praying to set aside the order of this Court dated 10.07.2024 made in W.P.No.9656 of 2024.

For Appellant in W.A.No.3080 of 2024	: Mr.S.Silambannan Senior Counsel for Mr.S.B.Viswanathan
For Appellants in W.A.No.2251 of 2025	: Mr.J.Ravindran Additional Advocate General assisted by Mr.D.Ravinchander Special Government Pleader
For Respondents 1 to 3 in W.A.No.3080 of 2024	: Mr.J.Ravindran Additional Advocate General assisted by Mr.D.Ravinchander Special Government Pleader
For Respondent 4 in W.A.No.3080 of 2024	: Mr.N.Manoharan
For Respondent 5 in W.A.No.3080 of 2024	: Mr.J.Ravindran Additional Advocate General assisted by Mrs.Aswini Devi.K Standing Counsel
For Respondent 1	: Mr.N.Manoharan



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in W.A.No.2251 of 2025

For Respondent 2 : Mr.S.Silambannan
in W.A.No.2251 of 2025 for Mr.S.B.Viswanathan

COMMON JUDGMENT

(Judgment of the Court was made by *S.M.SUBRAMANIAM, J.*)

Assailing the writ order dated 10.07.2024 in W.P.No.9656 of 2024, State preferred W.A.No.2251 of 2025, the 4th respondent in the writ petition Mr.R.Gopal preferred W.A.No.3080 of 2024. The 1st respondent Mr.S.Swamynathan filed writ petition challenging the order passed by the District Revenue Officer (DRO) in proceedings dated 29.02.2024 confirming the order of the original authority i.e., the Revenue Divisional Officer (RDO) dated 28.08.2023 cancelling the patta granted in his name.

2. The 1st respondent / writ petitioner states that on 13.11.1972, an oral sale of 20 cents of land was made by one Raghava Naicker in favour of Paapu Ammal, who is the mother of the 1st respondent. The legal heirs of Raghava Naicker sold 3.11 acres of land to one Mr.Veerapandiyan on 13.11.1975 and a layout was formed. The land



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was converted as house sites and sold to various persons. Several litigations had been instituted and the main ground raised in the present intra-court appeal on behalf of the 1st respondent is that a Civil Suit filed by the residents of the layout for a declaration to declare the subject property which is in possession of the 1st respondent as a park in the layout. The Suit instituted in O.S.No.3430 of 1991 was dismissed by the VIII Assistant City Civil Court at Chennai. Residents preferred an Appeal Suit in A.S.No.101 of 1999 and the judgment and decree passed by the Trial Court was confirmed. S.A.No.1321 of 2004 came to be dismissed by this Court on 21.10.2010. Thus, the 1st respondent is having the benefit of judgment and decree of the Civil Court and he is in possession of the subject property for several years. Consequently, patta was granted under the Revenue Standing Order in the year 2012. That being so, the impugned writ order allowed based on the Civil Court decree is to be sustained.

3. Learned Additional Advocate General and Mr.Manoharan, learned counsel for the 1st respondent in W.A.No.2251 of 2025 would further contend that once the Civil Court decided the issues, the appellants cannot take a contrary view by holding that subject property is



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earmarked for developing a public park. The learned Single Judge has considered Full Bench judgment of this Court and allowed the writ petition and thus the writ appeals are to be rejected.

4. Learned Additional Advocate General appearing on behalf of the State and the Learned Senior Counsel Mr.Silambannan, appearing on behalf of the appellant in W.A.No.3080 of 2024 and for the 2nd respondent in W.A.No.2080 of 2025, would contend that at no point of time the 1st respondent established his title. His initial purchase of subject property was through oral sale made on 13.11.1972. The suit had been instituted by the respondents and a declaration is sought for to declare that subject property under the possession of 1st respondent is a public park. The said relief was negated by Civil Court, and would not provide any title to the 1st respondent. Thus the writ court has confined the scope of the judgment and decree of the Civil Court, confirmed by the First Appellate Court as well in Second Appeal.

5. "The sale admittedly in the present case was oral. That being



the case, 1st respondent has no enforceable property right.” The initial purchase of subject property, since admittedly based on oral sale, it is for the purchaser to establish that he hold a valid title over the property. In the absence of any document or a specific declaration of title through a competent Civil Court of law, the 1st respondent in the present case cannot claim any benefit from and out of judgment and decree passed by the Civil Court in a Suit instituted by the residents of layout for a declaration to declare that subject property is a “public park”. No doubt, the Civil Court delivered a judgment stating that the subject property is not a public park. The said judgment cannot confer any title to the 1st respondent / writ petitioner. Thus the negative claim set out by the 1st respondent ought not to have been taken into consideration by the writ court for allowing the writ petition.

6. The findings of the writ court is only based on the Civil Court decree. Admittedly, no suit has been instituted by the 1st respondent/ writ petitioner for declaration of his title. That being so, this Court is of the considered view that the claim set out by the writ petitioner is unfounded.

7. The learned Additional Advocate General would submit that in a



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layout, allotment of park area is mandatory under law. Even presuming that the Civil Court decree declaring the subject property as not a park area, it would not confer title on the 1st respondent. Therefore the title/ownership regarding the subject property is to be determined independently and the writ court relying on the judgment and decree of the Civil Court in a Suit instituted by the residents of the layout is not supported by law.

8. In view of the facts and circumstances, this Court is of the considered view that the 1st respondent/writ petitioner has not established his title / ownership independently through documents and evidences nor he has instituted a Suit by himself to establish his title. He cannot derive title from and out of the suit filed by third party/residents of layout. Consequently, the order impugned passed in W.P. No.9656 of 2024 is set aside and the writ appeals are allowed. However, it is made clear that any person claiming title in respect of subject property is at liberty to independently establish their title based on documents and evidence available on record by approaching competent Civil Court of law. No costs. Consequently, the connected miscellaneous petitions are closed.



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[S.M.S., J.]

[M.S.Q., J.]

24.10.2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/ No

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- 2.The Revenue Divisional Officer,
Central Chennai Division,
Anna Nagar West Extension,
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- 3.The Revenue Tahsildar,
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