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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2025

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THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

W.P.No.31823 of 2024

A.J.Janarthan

.. Petitioner

Vs.

1.The State of Tamil Nadu

Rep.by its Secretary to Government
Department of Revenue
Secretariat, Chennai.

2.The Tamilnadu Urban Habitat Development Board

Rep. by its Managing Director
5, Kamarajar Road, Chennai 600 005.

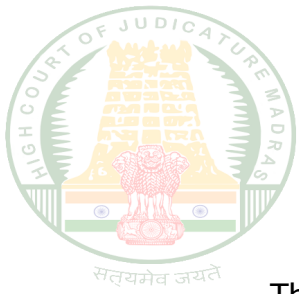
3.S.Senthilvelan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to pass an order to drop the proposal for alienation of the subject land measuring 2970 sq.ft in TS No 86, Old SF 110 Block IV in Nehru Nagar, Erukancheri Village, Perambur Taluk, Chennai District by considering the proposal dated 21.04.2023 made in Letter No B1 / 3390795 / 2022 issued by the Commissioner of Land Administration, Chepauk, Chennai.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.R.Murthi
Government Advocate for R1
Mr.S.Karthikeyan
Standing Counsel for R2



ORDER

This writ petition has been filed for the issue of a Writ of Mandamus, directing the 1st respondent to pass an order by dropping the proposal for alienation of the subject property by considering the proposal dated 21.04.2023, issued by the Commissioner of Land Administration, Chepauk, Chennai.

2.The case of the petitioner is that the subject property which is Plot No.77A measuring an extent of 2970 sq.ft., was assigned in favour of one Balan, son of Dhamodaran on 10.08.1974 under the Revenue Standing Orders. The said Balan executed a sale deed dated 06.11.1984, in favour of one Devaki, W/o.Kamalanathan. The said Devaki sold the property in favour of the petitioner through a registered sale deed dated 28.03.2011. Through this sale deed, the petitioner purchased 1458 sq.ft. The remaining extent of 1075.25 sq.ft., was sold to the sister of the petitioner under sale deed dated 28.03.2011. Thereby, the petitioner and his sister are claiming to be the owners of the entire extent.

3.The petitioner effected mutation in the permanent land register and the concerned Tahsildar also issued a certificate categorizing it as Grama Natham through proceedings dated 14.08.2008. The petitioner also effected name transfer in EB connection and the property was also assessed through property tax assessment.



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4. An attempt was made to transfer the property in favour of the 2nd respondent.

The DRO through communication dated 13.02.2020 informed that the properties which also includes the subject property cannot be transferred to the 2nd respondent and hence the very proposal can be dropped.

5. Thereafter, the 2nd respondent through communication dated 30.07.2021 informed the petitioner that the lands have not been alienated to the 2nd respondent.

6. The Commissioner of Land Administration through communication dated 21.04.2023 made to the District Collector informed that a recommendation has already been made to drop further action in this matter. Ultimately, the proceedings of the District Collector dated 27.07.2023 is also relied upon to substantiate that the proposal to transfer the property to the 2nd respondent has been dropped and ultimately it is for the Government to take a decision in this regard. Since no decision was taken by the 1st respondent, the petitioner has approached this Court seeking for a direction to the 1st respondent to pass an order by formally making it clear that the proposal for transferring the lands to the 2nd respondent has been dropped.

7. In the interregnum, there is a dispute between the petitioner and the 3rd respondent. The 3rd respondent was claiming right over Plot No.68 and the petitioner



is said to have taken a stand that Plot No.77A is the same plot which is claimed by the 2nd respondent as Plot No.68. The same resulted in a suit filed by the petitioner in O.S.No.1372 of 2021, before the III Additional Judge, City Civil Court, Chennai, seeking for the relief of declaration and permanent injunction. The 3rd respondent has also filed a written statement in this suit and the proceedings are pending.

8.The 3rd respondent has taken a stand in the counter affidavit that during pendency of the suit, an Advocate Commissioner was appointed to inspect the property and it was found that Plot No.77A and Plot No.68 are two different properties. Thus, the 3rd respondent has taken a stand that the petitioner in the guise of claiming right from Plot No.77A is attempting to interfere with Plot No.68 which belongs to the 3rd respondent.

9.Heard Mr.N.Manokaran, learned counsel for the petitioner, Mr.R.Murthi, learned Government Advocate for R1 and Mr.S.Karthikeyan, learned Standing Counsel appearing on behalf of R2.

10.In the considered view of this Court, the subject matter in the present writ petition is Plot No.77A. On a careful consideration of the materials placed before this Court, it is seen that there was a proposal to transfer the subject land along with the other lands to the 2nd respondent. However, the entire proposal was dropped by all



the authorities and ultimately it is pending before the 1st respondent to take a final decision. Since the 1st respondent has not passed any order on the report/letter that have already been given by all the other authorities, the petitioner has filed the present writ petition.

11.It is not necessary for this Court to go into the inter se dispute between the petitioner and the 3rd respondent. This is in view of the fact that the petitioner is claiming right over the Plot No.77A and the 3rd respondent is claiming right over Plot No.68. The 3rd respondent has taken a very specific stand that Plot No.68 is a separate and independent plot which has nothing to do with the Plot No.77A. In view of the same, it is made abundantly clear that this Court is dealing in the present writ petition only with Plot No.77A. This clarity will sufficiently take care of the grievance expressed by the 3rd respondent. In any case, it is left open to the Civil Court to independently consider the claim made by the petitioner and the 3rd respondent in the pending suit. The order passed in the present writ petition will not have any bearing in the suit that is pending before the competent Civil Court and it can be agitated by both the parties and the Civil Court can take an independent decision without any reference to the order passed in this writ petition.

12.The proceedings of the Commissioner of Land Administration dated 21.04.2023, is already placed before the 1st respondent. Hence, there shall be a



direction to the 1st respondent to consider the same and pass a formal order within a period of eight weeks from the date of receipt of copy of the order.

This writ petition is disposed of with the above directions.

10.07.2025

Index : Yes/No
Neutral Citation : Yes/No
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To

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N. ANAND VENKATESH, J.

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