



W.P.No.33821 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 17.10.2025

PRONOUNCED ON : 04.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.33821 of 2019

S.Rajalakshmi

... Petitioner

Vs.

1. The Secretary to the Government,
Adi Dravidar and Tribal Welfare Department,
Government of Tamil Nadu,
Fort St. George,
Chennai – 600 009.

2. The Director,
Tribal Welfare,
Chepauk,
Chennai – 600 005.

3. The District Adi Dravidar and
Tribal Welfare Officer,
Singaravelar Maligai,
62, Rajaji Salai,
Chennai – 600 001.

4. The District Collector,
Chennai District,
Singaravelar Maligai,
62, Rajaji Salai,
Chennai – 600 001.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent herein culminating the impugned order dated 30.05.2019 made in Rc.No.E1/7649/2018 and quash the same and consequently direct the respondents to shift the Government Tribal Residential School being run by the Adi Dravidar and Tribal Welfare officer from the property at Nandanam comprised in R.S.No.3884/4 situated in Mylapore Village, Chennai with reference to communication No.RR/60640/2005 dated 18.01.2006 and further direct the respondent return the same to the petitioner.

For Petitioner : Mr.V.Ramesh
For Ms.R.Ashwanth

For Respondents : Mr.P.Kumaresan
Additional Advocate General
For Mrs.R.L.Karthika
Government Advocate

ORDER

This petition has been filed challenging the order passed by the second respondent dated 30.05.2019, thereby rejecting the claim of the petitioner to return the property comprised in R.S.No.3884/4 situated at Mylapore Village, Chennai.



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2. The petitioner owned property to an extent of 4 grounds and 1322 sq.ft., comprised in R.S.No.3884/4 situated at Nandanam, Mylapore, Chennai. It was purchased by one Y.Venkanna Chowdry and Ragava Rao by the registered sale deed dated 12.04.1961 executed by one Rama Venkatakumara Maha Swiya Bahabur, the Maharaja of Pithapuram, to the total extent of 6 grounds 2232 sq.ft., comprised in R.S.No.3884/4, vide document No.602 of 1961 in which, the petitioner's vendor Y.Venkanna Chowdry had entitled 2/3 share and Ragava Rao had entitled to 1/3 share over the property. In respect of the share owned by the said Ragava Rao, it was attached and brought for auction sale by one K.Meenakshi. Thereafter she filed suit for partition in O.S.No.313 of 1981 as against Y.Venkanna Chowdry and the subject property was divided amongst themselves as per the decree dated 27.04.1983.

3. After partition, the said Y.Venkanna Chowdry died on 06.04.1986 leaving behind his only son viz., Sambhu Prasad as his legal heir. The said Sambhu Prasad and his wife died on 04.02.2002 leaving behind the petitioner herein as their only legal heir. In fact, the said Sambhu Prasad had filed suit in O.S.No.7466 of 1966 before the learned Additional District and Sessions Court for declaration and recovery of



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possession. In the said suit, the petitioner was brought on record as legal

heir and by the judgment dated 14.01.2003 the suit was decreed.

Thereafter, the petitioner had taken possession of the subject property, but subsequently, was neither able to take care of the property nor develop the same. Thereafter, she found that a school and hostel for Adi Dravidar and Tribal Welfare Department of the Government of Tamil Nadu was functioning in a portion of the said land. Therefore, the petitioner submitted representation to hand over the possession of the subject property which is acquired by the Adi Dravidar and Tribal Welfare Department by constructing school and hostel. It was rejected and hence the present writ petition.

4. The learned counsel appearing for the petitioner submitted that by the communication dated 18.01.2006 from the Adi Dravidar and Tribal Welfare Department, the petitioner was informed that after finding suitable place for school and hostel, the land will be returned to the petitioner. Further by the communication dated 02.11.2011, the petitioner was informed that the subject land will be handed over after finding new place to run the school and hostel for the Adi Dravidar and Tribal students. However, without considering the same, the first respondent



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rejected the representation submitted by the petitioner seeking return of the subject property. Though the respondents are in occupation of the subject property, they cannot claim any adverse possession over the subject property.

4.1. In support of his contention, he relied upon the judgment of the Hon'ble Supreme Court of India reported in **CDJ 2011 SC 1060** in the case of **State of Haryana Vs. Mukesh Kumar & ors**, which held that adverse possession allows a trespasser, a person guilty of a tort or even a crime in the eyes of law to gain legal title over a land which he has illegally possessed for long years. How an illegality can suddenly be converted to a legal title is logically and morally speaking, baffling. This outmoded law essentially asks the judiciary to place its stamp of approval upon conduct that the ordinary Indian citizen would find reprehensible. It was further held that no government department, public undertaking and much less the police department should be permitted to perfect the title of a land or building by invoking the provisions of adverse possession and grab the property of its own citizens.



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5. Per contra, the third respondent filed counter and the learned

Additional Advocate General appearing for the respondents submitted that on receipt of the representation from the petitioner and as directed by this Court in W.P.No.33771 of 2016, the first respondent conducted detailed enquiry. During the enquiry, the petitioner neither produced original sale deed nor the certified copy of the same for the subject property. The Harijan hostel was functioning even prior to 1951 and GTR School is functioning in the subject land since 1980. Further the communications from the Adi Dravidar and Tribal Welfare office were wrongly sent to the petitioner, since the petitioner failed to produce any original title deed for the subject property.

5.1. In the absence of the original title deed and on perusal of the copy of the documents produced by the petitioner before the first respondent during the enquiry revealed that the property comprised in R.S.No.3884/1 to an extent of 6 grounds and 2232 sq.ft., is located in the southern side of Chamiers road with garages and structures. The property comprised in R.S.No.3884/7 to an extent of 4 ground and 1823 sq.ft., is located on the western side of Turnbull road and the property comprised in R.S.No.3902 to an extent of 7 grounds and 2304 sq.ft., is located on



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the eastern side of the Turnbull road. According to the respondents the documents are forged and there is a manipulation of the survey number as 3884/4 hiding the actual survey number, which is S.No.3884/1. Further the petitioner failed to produce the original documents during the enquiry.

5.2. Further on perusal of the land acquisition file relating to Madras City Improvement Trust for construction of houses, the land comprised in survey number 3884/2 was sub-divided for the purpose of acquisition on 12.08.1960. The Topo sketch of Block 77 of Mylapore Village is indicated as below :-

Old survey No	New Survey No	Index Area	Actual Area	Adopted Area	Description	Name of the land owners
3884/2	3884/2	16.19.74 1	6.15.876	6.15.823	Vacant	R.H.
3884/2	3884/4	-	0.6.2232	0.6.2232	Vacant	R.H.
3884/2	3884/5	-	7.3.1570	7.3.1570	Vacant	C.I.T.
3884/2	3884/6	-	2.17.93	2.17.916	Vacant	C.I.T. proposed

Accordingly, the property comprised in survey No. 3884/4 is mentioned as Harijan hostel.



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5.3. After land acquisition proceedings, the award was passed in Award No.4/62 dated 06.01.1962 by the Special Deputy Collector for L.A.E.I.T. Schemes, Madras, as per the settlement prepared by the Special Town Surveyor, Land Acquisition, C.I.T. Scheme dated 20.01.1961. Therefore, the Harijan Hostel is functioning from the year 1960 for the welfare of Schedule Caste people and subsequently, one Government Tribal Residential School was shifted from Kodungaiyur during the year 1978, without disturbing the functioning of the hostel. Hence he prayed to dismiss the present writ petition.

6. Heard the learned counsel appearing on either side and perused the material placed before this Court.

7. According to the petitioner, the land comprised in S.No.3884/4 to an extent of 6 grounds and 2232 sq.ft., in Block No. 77 of Mylapore Village was jointly purchased by Y.Venkanna Chowdry and A.V.Raghava Rao at the rate of 2:1 ratio of share by sale deed dated 12.04.1961 registered vide document No.1602 of 1961. The undivided 1/3rd share of A.V.Raghava Rao was brought to sale for non-payment of



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debt by attachment as per the Court order in O.S.No.1296 of 65 against A.V.Raghava Rao in which Decree was delivered in favour of one Anjayya (Claimant) and the portion of land was purchased by one K.Meenakshi by a public auction held by the Court. As such the remaining extent in the said land comprised in S.No.3884/4 i.e., 2/3rd share relates to Y.Venkanna Chowdry alone and A.V.Raghava Rao has no right on the 2/3rd as per the sale deed.

8. On perusal of PLR extract of the land, it is seen that an extent of 4 grounds and 1324 sq.ft., is recorded in the names of A.V.Raghava Rao and Y.Venkanna Chowdry jointly as per the C.A.No.269/88-89 dated 23.03.1988. As such when the 1/3rd share of the land comprised in S.No.3884/4 was finalized by the Court proceedings, it is not known as to how the name of A.V.Raghava Rao finds place again in the remaining portion 2/3rd share belonging to Y.Venkanna Chowdry as per PLR extract.

9. On perusal of the records, it is revealed that after the demise of the said Y.Venkanna Chowdry viz., the grandfather of the petitioner herein, on the basis of the PLR extract dated 25.03.1988, the petitioner



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made representation to the District Adi-Dravidar and Tribal Welfare Officer, Chennai to vacate the GTR School and handover the land comprised in S.No.3884/4, which was already given to the Adi Dravidar and Tribal Welfare Department as donation. It is also proved from the revenue records produced by the learned Additional Advocate General appearing for the respondents.

10. Further the petitioner's father Sambhu Prasad Rao filed suit for payment of rent against the Harijan hostel in R.C.O.P.No.1645 of 2001 before the Small Causes Court, Chennai and the same was dismissed by an order dated 09.09.2002. Further, the petitioner's father also sold out the land to an extent of 4 grounds 1324 sq.ft., comprised in S.No.3884/4 to one Mariappan by the sale deed dated 11.08.1966 registered vide document No.2608/1966. Further, the petitioner did not produce any original documents during the enquiry conducted by the respondents. Therefore, the order passed by the second respondent dated 30.05.2019, is clear that the subject land comprised in R.S.No.3884/4 to an extent of 6 grounds 2232 sq.ft., situated at Mylapore, Chennai does not belong to the petitioner and the request made by the petitioner was rightly rejected by the second respondent. This Court finds no infirmity



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or illegality in the order passed by the second respondent and the writ petition is devoid of merits and is liable to be dismissed.

11. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

04.11.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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To

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G.K.ILANTHIRAIYAN. J.

rts

4. The District Collector,
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Chennai – 600 001.

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