

W.A.No.416 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 23.06.2025

CORAM :

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**W.A.No.416 of 2025
and C.M.P.No.3491 of 2025**

Mrs.Uma Ganesan

.. Appellant

VS

- 1.M/s.Sekar Emporium (Textiles) Pvt Ltd,
Rep by its Managing Director,
Mr.C.Murugan, S/o.Late S.Chandrasekaran
Having its Registered Office at
New Door No.39, (old No:22) Arcot Road, (N.S.K. Salai),
Kodambakkam, Chennai 600 024.
- 2.The District Collector,
Chennai District.
- 3.The Revenue Divisional Officer,
Chennai Central,
Chennai.
- 4.The Tahsildar,
Egmore Taluk,
Chennai - 600 078.
- 5.The Member Secretary,
Chennai Metropolitan Development Authority,



W.A.No.416 of 2025

WEB COPY

Thalamuthu Natarajan Building,
Gandhi Irwin Road, Egmore,
Chennai - 600 008.

6.The Government of Tamil Nadu,
Rep. by its Additional Secretary,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai - 600 009.

.. Respondents

Prayer : Appeal filed under Clause 15 of Letters Patent to set aside the
order dated 26.11.2024 made in W.P.No.34835 of 2024 on the file of this
Court.

For Appellant : Mr.T.Thiageswaran, Senior Counsel
for M/s.Waraon and Sai Rams

For Respondents : Ms.Pushpa
for Mr.R.Harishankar (for R1)

Mr.A.Selvendran, (for R2 to R4 & R6)
Special Government Pleader

No Appearance (for R5)

JUDGMENT

(Delivered by Dr. ANITA SUMANTH..J)

The writ petitioner is a company that had sought the relief of
Mandamus directing the official respondents to survey the land at 22,
Arcot Road, Kodambakkam, Chennai 600024 comprised in (T.S.No.2
part, Block No.32, Nos.21, 25, 28) in No.109, Puliur Village, Egmore,



W.A.No.416 of 2025

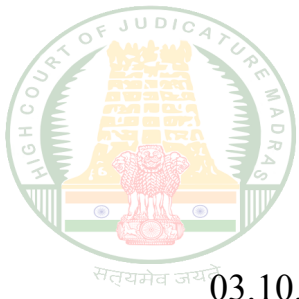
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Nungambakkam Taluk, admeasuring 6568 sq.feet ('property'/ 'property in question'). The fourth respondent in the writ petition is the Chennai Metropolitan Development Authority and the fifth respondent is the Additional Secretary, Housing and Urban Development Department, Secretariat, Government of Tamil Nadu.

2. The writ petition came to be disposed on 26.11.2024 and the learned Judge has directed the second and third respondents to conduct a survey, as a precursor to consideration of the application of the appellant dated 10.01.2024, filed seeking issuance of patta for the property in question.

3. The writ petitioner has been permitted to submit all relevant records to show its title to the property in question and the official respondents have been directed to issue notice to the adjacent land owners and interested parties, hold enquiry and thereafter pass orders either surveying and subdividing the property or rejecting the request. Twelve weeks' time was granted for that purpose.

4. In the course of hearing of the writ petition, it was revealed that an application had been filed by Mrs.Uma Ganesan (present appellant who has obtained leave and is hereinafter referred to as 'appellant') on



W.A.No.416 of 2025

WEB COPY

03.10.2024 before R6 seeking to recall order dated 12.09.2024 and for a direction to CMDA to continue the enforcement action by issuing Form IV immediately.

5. The petitioner had been called upon to appear before the authorities and produce various documents including the patta for the property in question, for which purpose the mandamus became necessary. The learned Judge stated that till the disposal of the petitioner's representation by the officials, no action shall be taken by R6 with regard to the petition filed by the appellant. Such order has been obtained in the absence of the appellant who had not been arrayed by the petitioner in the writ petition.

6. The appellant, who is none other than the sister of the two directors of the petitioner company, had thus been constrained to seek and obtain leave, that had been granted on 10.01.2025. It is thus clear that there are disputes inter se the family members involving the property in question. In fact, a partition suit, C.S.No.54 of 2023, has been instituted by the appellant before this Court seeking partition of various properties including the property in question, which is item 5 in the suit schedule.

7. However, there has been no disclosure in regard to the civil suit



W.A.No.416 of 2025

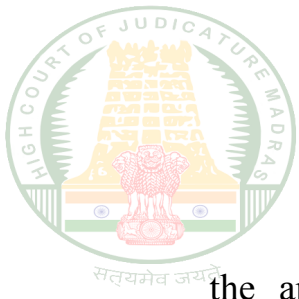
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in the affidavit filed in support of the writ petition and an order has been obtained from the writ Court merely projecting as though the petitioner is the absolute property of the property in question. Clearly, the attempt is to suppress vital information and obtain an order in the absence of the appellant.

8. Mrs.Puspha, learned counsel appearing for the petitioner would seek to justify the non-disclosure stating that there had been an earlier suit in C.S.No.668 of 2012, where a decree had been obtained by the petitioner in relation to the property in question. However, that decree has been obtained ex parte as the appellant had not been made a party to that suit.

9. As far as C.S.No.54 of 2023 is concerned, we are given to understand that summons has been served on the petitioner and they have also filed a written statement despite which there has been a conscious attempt to suppress material information before this court.

10. Mrs. Pushpa also draws our attention to Family Settlement dated 10.02.2016 pointing out that the properties had been equitably distributed among the family members including the appellant. Thus, according to them, there is no merit whatsoever in the civil suit filed by



W.A.No.416 of 2025

WEB COPY

the appellant seeking partition as all properties have already been distributed.

11. This submission is found to be factually wrong as the property in question is not found to be part of the schedule of assets in the family arrangement. Thus, it is for the petitioner to defend C.S.No. 54 of 2003 and obtain orders therein.

12. The non-disclosure of the suit in the writ petition affidavit, and the conscious non-arrayal of the appellant in the array of parties though she is a proper and necessary party to the proceedings is, in our opinion, fatal to the cause of the petitioner and nothing but an attempt to obtain an order surreptitiously and suppressing material information from the court. For the aforesaid reasons, we set aside the impugned order.

13. Pursuant to the application/grievance filed by the appellant before the authorities, R6 has, on 12.09.2024, granted the petitioner two months' time to obtain a revised patta as a final opportunity. Needless to say, the issuance of patta will be subject to the decision to be taken by the civil court in the pending suit and in our view, the application for issuance of patta is pre-mature, and the present proceedings are misconceived.



W.A.No.416 of 2025

WEB COPY

14. The Writ Appeal is allowed with costs of Rs.50,000/- payable to the High Court Legal Services Committee within a period of two (2) weeks from today. Connected miscellaneous petition is closed.

[A.S.M., J] [N.S., J]
23.06.2025

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Index:Yes/No

Speaking order

Neutral Citation:Yes

To

- 1.The District Collector,
Chennai District.
- 2.The Revenue Divisional Officer,
Chennai Central, Chennai.
- 3.The Tahsildar,
Egmore Taluk,
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and
N.SENTHILKUMAR, J.

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W.A.No.416 of 2025

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