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W.A.No.863 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

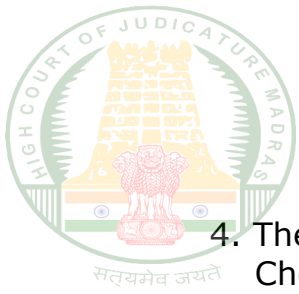
WA No.863 of 2026
and CMP No.9182 of 2026

S.Rajalakshmi
W/o.Madhusudhan Rao,
No.53, G.N.Road,
Thyagaraya Nagar,
Chennai - 600017.

Appellant(s)

Vs

1. The Secretary to the Government
Adi Dravidar and Tribal Welfare Department,
Government of Tamil Nadu, Fort St. George,
Chennai - 600009.
2. The Director
Tribal Welfare, Chepauk,
Chennai - 600 005.
3. The District Adi Dravidar and
Tribal Welfare Officer
Singaravelar Maligai,
62, Rajai Salai, Chennai - 600 001.



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

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Respondent(s)

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 04.11.2025 passed by the learned Single Judge in W.P.No.33821 of 2019.

For Appellant(s): Mr.K.Harishankar

For Respondent(s): Mr.Vijay Narayan
Advocate General
assisted by Mr.Veeramani
Government Pleader

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

This writ appeal, preferred under Clause 15 of the Letters Patent, is directed against the order dated 04.11.2025 rendered by the learned Single Judge in W.P.No.33821 of 2019. By the said order, the learned Single Judge dismissed the writ petition filed by the appellant herein, thereby sustaining the order dated 30.05.2019 passed by the second respondent rejecting the appellant's claim for delivery/return of possession of the property comprised in R.S.No.3884/4, situated at Nandanam, Mylapore Village, Chennai.



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2.1. The repository of facts animating the present appeal reveals a complex web of rival claims over the title, classification, and possession of the subject property.

2.2. The appellant asserted an unbroken chain of title commencing from a registered Sale Deed dated 12.04.1961 [Doc.No.602 of 1961] executed by the Maharaja of Pithapuram in favour of her predecessors-in-title, Y.Venkanna Chowdhry and Ragava Rao. She traced her rights through a subsequent partition deed of 1965, civil court decrees in O.S.No.313 of 1981 and O.S.No.7466 of 1966, and revenue mutations under Permanent Land Register (PLR) extracts.

2.3. Regarding a discrepancy wherein the parent document lists the survey number as 3884/1 instead of 3884/4, the appellant claimed it to be an inadvertent clerical blunder in transcription. She relied heavily on official communications dated 18.01.2006 and 02.11.2011 issued by the respondents, which allegedly promised the restoration of the land upon securing an alternate site for the



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government hostel/school.

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2.4. Conversely, the respondent-authorities contested the appellant's locus standi and claim of title. They contend that the property in R.S.No.3884/4 has been under the continuous operation of a "Harijan Hostel" since 1960 and a Government Tribal Residential (GTR) School since 1978/1980. They asserted that during the statutory enquiry, the appellant failed to produce any authentic primary evidence or the original parent deed.

2.5. Relying upon an entry in the Encumbrance Certificate, the respondents asserted that the appellant's father had alienated 4 grounds and 1324 sq. ft. of the land to one Mariappan as early as 11.08.1966 via registered Doc.No.2608 of 1966, completely stripping the appellant of any surviving interest. They further pleaded that the land records confirm a Ryotwari Holding subdivision mapped for public utility purposes.

2.6. Adjudicating upon these rival claims, the learned Single Judge concluded that the property belonged to the Adi Dravidar and



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Tribal Welfare Department and dismissed the writ petition.

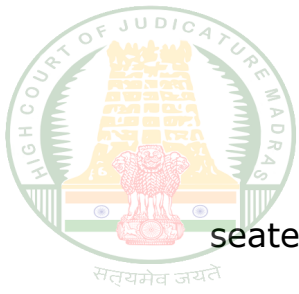
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3. We have heard learned counsel for the appellant and learned Advocate General appearing on behalf of the respondents.

4. At the threshold, the primary question requiring our consideration is whether a highly contested title dispute involving allegations of forgery, clerical errors in registration deeds, possession claims and revenue record variations be effectively tried and concluded within the summary framework of writ jurisdiction under Article 226 of the Constitution of India?

5. We must answer this in the negative. While we concur with the final decision of the learned Single Judge to deny relief under public law, we find ourselves in respectful disagreement with the extensive exercise undertaken to evaluate and determine the absolute title of the property on merits.

6. It is a well-settled principal of constitutional jurisprudence that a writ petition is not a panacea for the resolution of deep-



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seated civil controversies. The extraordinary jurisdiction under Article 226 of the Constitution of India is meant for the enforcement of established legal rights and the correction of patent executive arbitrariness, not for navigating through thickets of disputed questions of fact relating to immovable property.

7. The disputes presented herein are classically civil in character:

- (i) Whether the omission of Survey No.3884/4 in the 1961 deed was an innocent *lapsus calami* (slip of the pen) or a structural omission;
- (ii) Whether the alleged sale to Mariappan in 1966 effectively disrupted the lineage of title;
- (iii) Whether the long-standing possession of the Government Tribal Residential (GTR) School translates into a legally protected right or statutory vesting;
- (iv) The evidentiary value of the respective partition and civil decrees in the absence of the State as a party.



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8. These issues require the rigorous deployment of the machinery of a civil suit, including the summoning of witnesses, comprehensive cross-examination, and the formal proving of title deeds in terms of the Indian Evidence Act. Such exercises cannot be short-circuited by affidavits and counter-affidavits in a summary writ proceeding. The proper recourse is to relegate the parties to a competent civil forum.

9. Accordingly, the following orders are passed:

(i) This appeal is hereby dismissed, and the dismissal of W.P.No.33821 of 2019 is maintained, purely on the ground of the non-maintainability of a title dispute in a writ jurisdiction.

(ii) The appellant is at liberty to work out her remedies and establish her rights over the subject property by filing a comprehensive civil suit before the competent civil court.

(iii) It is clarified that all observations, findings, and



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conclusions rendered by the learned Single Judge in the order dated 04.11.2025 regarding the title, ownership, possession, or validity of documents shall have no bearing whatsoever and will not influence the independent trial before the civil court.

(iv) The question of limitation, if raised by either party before the civil court, shall be considered and decided by the said court entirely on its own merits, in strict accordance with the provisions of the Limitation Act and relevant laws, uninfluenced by any step taken in these writ proceedings.

(v) There shall be no order as to costs. Connected interim application stands closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
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Index : Yes/No
Neutral Citation : Yes/No
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