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W.A.No.893 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.893 of 2026
and C.M.P.No.9490 of 2026

M.Jayaraman
S/o.R.Muthukrishnan
No.966, T.V.S.Colony
Anna Nagar West Extension
Chennai-600 101

Appellant

Vs

- 1.The Commissioner
Corporation of Chennai
Chennai-600 003
- 2.The Assistant Executive Engineer
Corporation of Chennai
Chennai-600 003

Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by the learned Single Judge in W.P.No.20422 of 2015, dated 21.10.2024.



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For Appellant: Mr.T.R.Rajagopalan
Senior Counsel
for Mr.Anban Bharathy S.A.

For Respondents: Mr.P.Prithvi Chopda
Standing Counsel

JUDGMENT
(Delivered by the Hon'ble Chief Justice)

Heard learned counsel for the parties.

2. The present writ appeal filed under Clause 15 of the Letters Patent challenges the order dated 21.10.2024 passed in W.P.No.20422 of 2015, whereby the learned Single Judge has dismissed the writ petition.

3. The appellant/writ petitioner had filed the writ petition praying for the following relief:

"It is therefore prayed that this Hon'ble Court be pleased to issue a Writ, Direction or Order, in the Nature of Writ of Mandamus directing the Respondents their officers, employees, subordinates, agents or any other person claiming or acting under them from in any manner seeking to interfere with the petitioner's possession of the property situated at R.S.No.440/1-A, 441/1C and 441/16 situated at



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No.17/8, Velachery Village, Saidapet Taluk, Chennai and refrain from seeking to take over land without following the due process of law and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice."

4. The case of the appellant is that he had purchased Plot No.16C in Jaganathapuram Layout, situated at No.137, Velachery Village, Mambalam-Guindy Taluk, Chennai, admeasuring 16½ cents comprised in R.S.Nos.440/1A, 441/1C and 441/6 from P.T.Ramakrishnan, P.T.Vasanth, P.T.Srinivasa, Hemalatha, P.T.Radha, P.T.Rajalakshmi and P.T.Mythili, through a registered sale deed dated 13.7.2007. The appellant was also issued with patta bearing Patta No.1248/09-00. While that being so, the respondents attempted to demolish the appellant's property by trespassing. Therefore, the appellant verified the records with his vendors, who produced the judgment and decree dated 9.1.1995 passed in O.S.No.5820 of 1994 on the file of the City Civil Court, Chennai, which declared the appellant's vendors as rightful owners of the subject-property. That apart, the judgment became final and no appeal was filed by the respondents. The power of attorney holder



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of the appellant's vendors had also filed a writ petition before this Court seeking building planning permission for the subject-land in W.P.No.4505 of 2005. This Court, vide order dated 16.2.2005, directed the respondents to consider the representation submitted by the vendors. Thereafter, the appellant's vendors' power agent had also filed another writ petition in W.P.No.455 of 2007 seeking direction to the respondents to grant building planning permission. By an order dated 4.1.2007, this Court directed the respondents to process the application and decide it on merits and in accordance with law. However, neither the appellant's vendors nor the appellant's vendors' power agent have been granted building planning permission.

5. The grievance of the appellant is that the learned Single Judge has dismissed the writ petition without even considering the fact that for a land to be earmarked as Open Space Reservation area for public purposes, it ought to have been carried out through a gift deed. In the case on hand, there is no such gift deed pertaining to the property in question and, therefore, the learned Single Judge, based on presumption, has dismissed the writ



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petition.

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6. The learned Single Judge came to the conclusion that as per the revised layout plan, Plot Nos.16A and 16B were approved. After laying out these two additional house sites, namely Plot Nos.16A and 16B, the remaining land, admeasuring 16½ cents was earmarked for public purposes. However, there is no record to show that the appellant's vendors executed any gift deed in favour of Velachery Panchayat. Subsequently, the said Panchayat merged with the Corporation of Chennai in the year 1978 and thereafter the respondents have been in possession and enjoyment of the said property. The learned Single Judge has held that the appellant's vendors filed a suit for declaration mentioning only the survey numbers and without mentioning the plot number as 16C and obtained *ex parte* decree. They have also applied for building planning permission for the very same land. However, no building planning permission was granted for the subject-land. In fact, the power of attorney of the vendors has once again approached this Court and even then no building planning permission was granted to the subject-land. Thereafter, the appellant's vendors sold the land



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to the appellant under registered sale deed dated 13.7.2007 and on the strength of the aforesaid sale deed, the appellant was granted patta.

7. The learned Single Judge has dismissed the writ petition on the ground that Plot No.16C was not the subject-matter of the suit and was not at all available as per the revised layout approval and, therefore, the judgment passed in O.S.No.5820 of 1994 is not binding.

8. Learned Senior Counsel for the appellant, *inter alia*, submitted that the learned Single Judge failed to consider that the respondents are trying to illegally trespass on the land without any legally binding order or notice and without any due application of mind, which amounts to abuse of process of law. He would submit that the learned Single Judge failed to appreciate the fact that patta and all the revenue records stand in the name of the appellant and there are no revenue records to show that the property has been gifted to the respondents. The observation of the learned Single Judge that the land was reserved for open space reservation is



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without merits and there is no material to show that any process known to law was even followed to obtain the land for public purposes.

9. Learned Senior Counsel further submitted that, without prejudice to the above submission, even if the subject-land was reserved for public purpose, no steps were taken either by the planning authority or the State Government to acquire the land for a long period of time. This factum was not appreciated by the learned Single Judge and, as such, the order of the learned Single Judge is perverse.

10. Learned Senior Counsel urged that the respondent Corporation, after a lapse of more than 40 years, have abruptly barged into the subject-premises that has been under the continuous possession of the appellant and that the learned Single Judge erred in countenancing the respondents' case that the appellant's property is classified as open space reservation area land. Thus, he prayed for setting aside the order of the learned Single Judge.



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11. On the other hand, learned counsel for the respondents submitted that the learned Single Judge has not committed any error in dismissing the writ petition, inasmuch as neither the appellant nor the appellant's vendors have any right to sell Plot No.16C, which was earmarked for public purpose. Such plot itself was not available. Secondly, learned counsel for the respondents contended that the writ petition itself is not maintainable, in view of the fact that an order of temporary injunction cannot be granted by exercising writ jurisdiction. He would submit that there is no order passed to take over possession from the appellant.

12. We have considered the submissions made by learned counsel for the parties and perused the materials available on record.

13. As rightly held by the learned Single Judge, in the revised layout approval, there was no Plot No.16C. The vendors of the appellant executed the sale deed in favour of the appellant by mentioning the subject-property as Plot No.16C. The appellant,



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being a purchaser, should have been more vigilant while purchasing the property. Without even verifying the layout, the appellant had purchased the plot. As the subject-property was originally earmarked for public purposes, it cannot be used for any other purposes. Finding that the appellant's vendors had no ownership right over the subject-property, the learned Single Judge has rightly dismissed the writ petition. We find no perversity and/or infirmity in the order of the learned Single Judge and the writ appeal is liable to be dismissed.

14. Accordingly, the writ appeal is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
20.04.2026

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

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