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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

**WP No. 28529 of 2015
and
MP.Nos.1, 2 & 3 of 2015**

R.Gokulakrishnan

..Petitioner(s)

Vs

1. Government of Tamil Nadu
Represented by its Secretary,
Revenue Department, Fort St. George,
Chennai-600 009.
2. The District Collector
Kancheepuram, Office at Collectorate
Kancheepuram District.
3. The Tahsildar
Sholinganallur Taluk, Sholinganallur,
Kancheepuram District
4. The Commissioner
Corporation of Chennai,
Office at Ripon Building, Park Town,
Chennai-600 003.
5. The Assistant Commissioner/
Zonal Officer, Corporation of Chennai,
Division No.188, Zone 14, Puzhuthivakkam,
Chennai-600 091.



..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the entire records which culminated in issuing the proceedings in Na.Ka.6696/2011/A1 dated 04.09.2015 on the file of the third respondent, quash the same and consequently direct the respondents to restore the grave yard which was in existence in the land in Survey Nos.68/2 and 3, New Survey No.68/110, Madipakkam Village, Sholinganallur Taluk, Kancheepuram District.

For Petitioner(s): Mr.A.Praveenkumar
for M/s.K.Venkata Subbaraju

For Respondent(s): Mr. P.Anandakumar,
Government Advocate (for R1 to R3)

Ms.N.Lavanya
for Mr.E.C.Ramesh,
Standing Counsel (for R4 and R5)

ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

The challenge in this writ petition is to proceedings dated 04.09.2015 of the Tahsildar, Sholinganallur Taluk/R3, as per which the property at Survey Nos.68/2 and 3, Madipakkam Village, re-classified as Survey No.68/110 ('property'/'property in question') should be restored and should be permitted to be utilised as a graveyard, as was the position earlier.

2.The history of the matter is this. WP.No.27928 of 2007 had originally been filed by one Mr.Velayutham Pillai, seeking a mandamus directing the official respondents to consider and take action in respect of illegal use of



various plots in Puzhuthivakkam Municipality, Tambaram Taluk, Kancheepuram District. The writ petition was disposed directing the authorities to take action within a fixed time frame.

3.While so, WP.No.17422 of 2016 have come to be filed by Mr.R.Kulothangan and others seeking a mandamus directing the respondents to re-classify the subject property as Kuttai Poramboke/Battai Poramboke and take action to remove the encroachments therein. As public opinion was that the subject property was to be used as a burial ground, there was a demonstration by the public forcing the officials of the Corporation, Revenue and Police Department to open the property for their use as cremation ground.

4.In fact, the trigger for the present writ petition is that the father of the writ petitioner, Mr.Ramamoorthy, had passed away on 08.09.2015 and the petitioner had attempted to use the subject property as a cremation ground. Since he had been estopped from doing so, the classification of the land has come to be challenged in the present writ petition.

5.WP.No.17422 of 2016, also dealing with the classification of the subject property had been heard by this Court and by order dated 30.08.2019, WP.No.17422 of 2016 had been dismissed. The operative portion of that order reads thus:

‘4. The 5th respondent, the Tahsildar filed a counter wherein he has categorically stated that the lands in Survey No.68/2, measuring 3.75 acres and Survey No.68/3, measuring an extent of 0.95 acres originally stood classified as “Kuttai Poramboke/Battai Poramboke” as per “A” Register. But



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subsequently, after due enquiry, pattas were granted in the year 1967 itself. Further, the Tahsildar has stated that the lands were originally classified as “Kuttai Poromboke/Battai Poromboke” due to wrong correlation and based on the Revision Petitions filed by the original land owners, enquiry was conducted by the Assistant Settlement Officer, Chengalpattu under Section 11-A of the Tamil Nadu Estate Abolition Act, 1948 and the said lands were classified as patta lands.

5. Since the 5th respondent, the Tahsildar has specifically stated that the lands in dispute are patta lands, the petitioner cannot seek for removal of encroachment in the said lands. In view of the same, the Writ Petition is liable to be dismissed. Accordingly, the same is dismissed. No costs.’

6. Thereafter WP.No.23912 of 2014 filed seeking cancellation of patta, to the subject lands had also been dismissed and the operative portion of order dated 08.09.2023 reads as follows:

‘....3. In view of the order passed by the Division Bench of this Court, no further consideration needs to be undertaken in respect of the representation submitted by the writ petitioners.

4. Accordingly, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed....’

7. The authorities have confirmed that the subject property is under lock and a compound wall has been constructed in order to prevent cremations to be carried out therein. While so, Writ Appeal in SR.No.12567 of 2022 had come to be filed by one Mr.C.Ramesh and others, challenging order passed on 04.04.2012 in WP.No.27928 of 2007 that had come to be dismissed on 28.06.2024 even at delay condonation stage, by way of the following order:

‘.....6. Prima facie, the petitioners have not substantiated their right in respect of the said land to agitate against the impugned order of the learned Single Judge, which was passed on 4.4.2012 Only vague assertions are made, without placing on record any document to show that the land in question is



classified as burial ground. The writ appeal is sought to be filed against an order passed in 2012, after lapse of ten years, and the same is hit by delay and laches.

7. In view of the above, the leave sought to file an appeal against the order passed in the year 2012, that too, without substantiating their claim, cannot be granted at this belated stage.

8. In the result, C.M.P.No.1641 of 2023 is dismissed. Consequently, W.A.No.SR 125657 of 2022 is rejected. There shall be no order as to costs.'

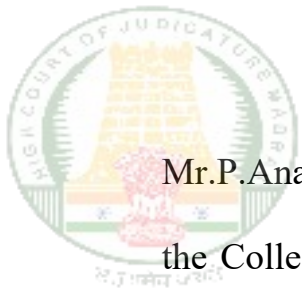
8.Thus, the stand of the authorities before us, as at present, is that the subject property constitutes patta lands.

9.WP.No.37928 of 2024 had thereafter come to be filed by Mr.Sekar seeking a mandamus for consideration of representation claiming ownership of the subject property and for removal of the seal in respect of various plots. By order dated 02.01.2025, the writ petition came to be disposed thus:

'....2. The said plots have been unauthorizedly used as a cremation ground. Objecting to the same, nearby residents had formed an Association and moved the Division Bench of this Court and by successive orders, the cremation ground had been directed to be sealed and closed. But however, the petitioner is the owner of the said land. He had therefore given a representation on 07.09.2024 seeking removal of the seal, so that he could put the land to some alternate use. It must be put on record that the petitioner cannot permit usage of the said land for cremation purpose. But however, the 3rd respondent may examine the representation given by the petitioner and also take into consideration the views of the 2nd respondent, Tahsildar, Sholinganallur Taluk to determine the nature of the land in accordance with the revenue records and thereafter, take a decision on the representation given. Such exercise should be completed on or before 31.03.2025. Let the procedure as envisaged of giving opportunity and of being heard be followed.

3.This writ petition stands disposed of. No Costs.'

10.Till date, no order has been passed on that representation.



Mr.P.Anandakumar, learned Government Advocate places before us a report of the Collector, Kancheepuram District dated 27.09.1998 and two reports of the Tahsildhar, Sholinganallur dated 04.09.2015 and 30.12.2025. However, as on date, the Commissioner Corporation, is in contempt of the directions of this Court under order dated 02.01.2025, to the effect that the representation of the petitioner in WP.No.37928 of 2024 be disposed in accordance with law, and in line with the principles of natural justice on or before 31.03.2025. This must be done expeditiously.

11.In light of the aforesaid narration of facts, there is no merit in the challenge to order dated 04.09.2015 as the finding of this Court in order dated 02.01.2025 is to the effect that the subject property does not constitute cremation ground. As to what the proper classification is, we leave to the authorities to determine in the representation pending disposal, in accordance with law. Let this decision be taken not later than four (4) weeks from today.

12.This writ petition is dismissed. No costs. Connected miscellaneous petitions are closed.

(A.S.M.,J.) (M.S.K.,J.)
16-02-2026

vs
Index: Yes/No
Speaking order
Neutral Citation: Yes



To

1. The Secretary to Government,
Government of Tamilnadu,
Revenue Department, Fort St. George,
Chennai-600 009.
2. The District Collector,
Kancheepuram, Office at Collectorate,
Kancheepuram District.
3. The Tahsildar,
Sholinganallur Taluk, Sholinganallur,
Kancheepuram District.
4. The Commissioner,
Corporation of Chennai,
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WP No. 28529 of 2



**DR.ANITA SUMANTH J.
AND
MUMMINENI SUDHEER KUMAR J.**

VS

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