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WA No. 96 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-02-2026

CORAM

**THE HON'BLE MR JUSTICE R. SURESH KUMAR
&
THE HON'BLE MR.JUSTICE SHAMIM AHMED**

**WA No. 96 of 2026
&
CMP Nos. 835 and 836 OF 2026**

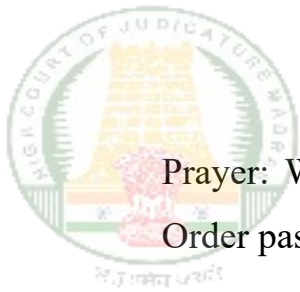
1. The District Revenue Officer
Kancheepuram
2. The Revenue Divisional Officer
Sriperumputhur Division, Kancheepuram
District.
3. The Tahsildar
Kundrathur Taluk, Kundrathur, Kancheepuram
District.

..Appellant(s)

Vs

Y.Isaac
S/o. Yesuvadiyan
No. 34, N.S.K. Street, Mungil Eri
Pammal
Chennai 75

..Respondent(s)



Prayer: Writ Appeal filed under Section 15 of Letters Patent to set aside the Order passed in W.P. No. 35557/ 2024 dated 29.11.2024.

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For Appellants : Mr. R.Ramanlal,
Addl. Advocate General
assisted by
Mr.C.Gauthamaraj, Govt. Advocate

For Respondent : M/s.N.Suresh

JUDGMENT

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This Intra Court Appeal has been directed against the order passed by the Writ Court dated 29.11.2024 made in W.P.No. 35557 of 2024.

2. That the respondent herein was the Writ Petitioner who approached the Writ Court seeking for a Writ of Mandamus directing the respondents therein, who are appellants herein to mutate the Revenue Records and issue Natham Patta to the Writ Petitioner relating to Gramanatham land in S.No.1/1B, as per the survey and measurement, pursuant to the orders that had already been passed by this Court in W.P.No.19455 of 2024 and direct the respondents therein to furnish the petitioner/respondent herein, necessary survey report and sketch in respect of the property in the said Survey number at Kundrathur



Village and Taluk, Kanchipuram District covered the sale deed of the petitioner/respondent, dated 03.02.2006, bearing Document No.881/2026 at Sub Registrar Office, Kundrathur.

3. It is the claim of the respondent/writ petitioner that the property to the extent of 4200 sq. ft. in the said survey number, i.e., S.No.1/1B at Kundathur Village and Taluk, Kanchipuram District had been purchased by him through a Sale Deed dated 03.02.2006 from his vendor, who purchased the same, earlier from his vendor, i.e., petitioner's vendor's vendor. Since then, he has been enjoying the property, where, there has been a old dwelling house located and since it became dilapidated, in order to demolish the building and to construct a new house thereon, planning permission is required for applying before the local body, for which, the title has to be perfected. As the land in question comes under the category of Gramanatham, he had made an application to get patta and since the same had been kept pending, in the meanwhile, in the first round of litigation, the respondent herein/writ petitioner had approached this Court by filing W.P.No.19455 of 2024 to measure the land and to give the survey report. In the said writ petition, this Court by order dated 19.07.2024, issued directions for conducting survey and demarcation.

4. Pursuant to the said order, though survey has been completed, no survey report has been furnished to the Writ Petitioner/respondent, only at that



juncture, the present Writ Petition had been filed . The Writ Court, having considered the Writ Petition, has passed the following order.

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‘7. Though it is stated that a measurement has been done, however, the petitioner has not been served with a copy of the same, and neither has the sketch been provided before this court. Therefore, the request for survey the property afresh by the petitioner has to be granted so as to enable the petitioner to obtain patta. Therefore, considering the above factors, a Mandamus is issued to the 3rd respondent to once again survey and measure the property in question and to issue the petitioner with a patta along with a survey report and sketch within a period of 12 weeks from the date of receipt of a copy of this order.’

5. Aggrieved over the said order, this intra Court Appeal has been filed at the instance of the Appellants i.e., the Revenue Department.

6. Heard Mr.R. Ramanlal, , learned Addl. Advocate General assisted by Mr.C.Gauthamaraj, learned Govt. Advocate, appearing for the appellants and Mr.N.Suresh, learned counsel appearing for the respondent/Writ Petitioner.

7. When the case came up for hearing on 19.01.2026, after hearing both sides, We have passed the following order:

‘Though this intra-Court appeal has been directed against the order passed by the writ Court dated 29.11.2024 in W.P.No.35557 of 2024, already a direction had been given in the first round of litigation in W.P.No.19455 of 2024 by order dated 19.07.2024 where the following



directions have been given:

“5. Considering the limited nature of the relief sought for in the present Writ Petition, there shall be a direction to the respondents to consider the petitioner’s representation dated 10.06.2024 and pass appropriate orders, for survey of the property and demarcate its boundaries, after giving notice to the neighbouring land owners and any other interested persons, within a period of two months from the date of receipt of a copy of this order.”

2. Pursuant to the said directions given in the first round of litigation, though the survey has been completed as recorded by the learned Judge in paragraph No.4 of the impugned order, no survey report or sketch has been furnished to the writ petitioner which triggered him to file the second writ petition where the scope of his relief has been expanded further to get a direction from the Court to get patta for the land in question which is admittedly a natham poaramboke land where Mr.R.Ramanlal, learned Additional Advocate General appearing for the appellants asserts that, no one is in possession much less the writ petitioner.

3. When these are all the factors, why the appellants, especially, the third appellant Tahsildar has not passed orders in complying the direction given by the writ Court in first round of litigation dated 19.07.2024 is not known. We suspect the manner in which the matter has been dealt with by allowing the writ petitioner to come before this Court by filing a writ petition after writ petition to get orders including the orders by way of mandamus which is presently the impugned to get patta for the land where according to the appellant Department, no one is in possession at all.

4. If the officer concerned is not acting carefully in complying the orders passed by this Court within a time frame fixed in the order, that would show that something fishy in dealing of the land even at the hands of the officer concerned, therefore, we hereby give direction to the third



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appellant to furnish the survey report or sketch immediately to the writ petitioner within a maximum period of one week from the date of receipt of a copy of this order and file a compliance report to that effect before this Court without prejudice the right of the parties in the present appeal. Till such time, no coercive steps pursuant to the earlier order passed by the writ Court be taken against the appellant Department / officers.

5. Post the matter on 29.01.2026.”

8. Pursuant to the said order, today, when the case is taken up for hearing, the compliance report has been filed on behalf of the respondents along with survey report, a sketch as well as the photographs.

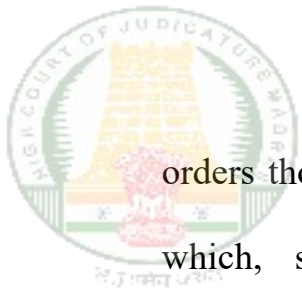
9. Relying upon these documents, the learned Addl. Advocate General appearing for the Appellants would contend that S.No.1/1B is a Village Natham and S.No.1/1A1A is a Meikkal Poramboke. In so far as the Writ Petitioner is concerned, he had been enjoying 4200 square feet, out of which, some portion falls under Survey No.1/1B, i.e., Gramanatham and some portion falls under S.No.1/1A1A , i.e., Meikkal Poramboke. In so far as the portion falls under Meikkal Poramboke is concerned, nobody is entitled to get patta and even in respect of the remaining portion, unless it is established by the writ petitioner that he has been in continuous possession and enjoyment of the property, that too, for a dwelling purpose, then only, it would be considered by the Government Authority, who is none other than the Commissioner of Revenue



Administration, who is the competent authority to consider such plea for getting patta for the land falling under Gramanatham. Therefore, the plea raised by the respondent/writ petitioner can be considered only on merits, however, the learned Judge, through the impugned order, since has given a positive direction to issue patta, aggrieved over the same, this Writ Appeal has been filed, hence, he seeks indulgence of this Court.

10. On the other hand, Mr. N. Suresh, learned counsel appearing for the respondent/writ Petitioner would submit that for several decades, the property had been in possession and enjoyment of the vendor's vendor's to the writ petitioner and he has purchased the property by a registered Sale Deed, dated 03.02.2006 from his vendor. Since then, he has been in continuous possession and enjoyment of the property.

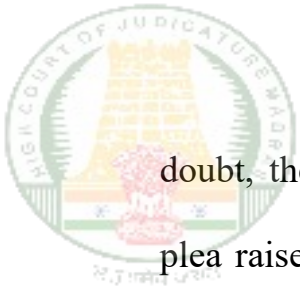
11. As the property in question to the extent of 5200 sq.ft. falls only under the Gramanatham area, for which, any person who has been in possession and enjoyment of the Gramanatham area for long years, is entitled to get patta. When such an application has been made by the writ petitioner, the same has not been considered and the area which has been in possession and enjoyment of the property by the respondent/writ petitioner as per the Sale Deed dated 03.02.2006, since has to be measured and the four boundaries has to be finalised, that prayer also was sought for in the first round of litigation, where



orders though have been passed by the Writ Court on 19.07.2024, pursuant to which, survey has also been completed, so far, no survey report has been furnished, therefore, the same triggered the respondent/writ petitioner to file the second Writ Petition with the prayer of Mandamus to give the survey report and also to issue patta. This was considered and allowed by the learned Writ Court through the impugned order dated 29.11.2024. Therefore, the said order does not warrant any interference at the hands of the Division Bench, he contended.

12. We have considered the said rival submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

13. In so far as the land in question, which may be 4200 sq.ft. or 5000 and odd sq.ft., that may not be much disputed, as that can be easily verified and demarcated. However, the survey map suggests that the land comprised in S.No.1/1B is denoted as Village Natham, whereas, the land comprised in S.No.1/1A1A is denoted as Meikkal Poramboke. The rectangular shape of the property, that is the landed property claimed by the respondent/writ petitioner as it was in his possession and prior to him, has been in possession of his vendors, 2/3rd of the property approximately falls under Gramanatham area and 1/3 of the property falls under the Meikkal Poramboke, ie.. S.No.1/1A1A. In so far as the portion of the property falls under Meikkal Poramboke, no



doubt, the respondent/writ petitioner is not entitled to seek for patta and that plea raised by the respondent/writ petitioner can very well be rejected by the Appellants. But in so far as the portion, which falls under S.No.1/1B, which is admittedly, a Gramanatham, where the adjacent lands since have already been granted patta, this petitioner also can be considered for grant of patta . In this context, the actual occupation and possession of the petitioner in the Gramantham area, that too, for a dwelling purpose can be verified and accordingly, the plea raised by the respondent/writ petitioner can be considered and a suitable order to that effect can be passed by the Revenue Authorities.

14. In that view of the matter, since a positive direction has been given by the Writ Court through the impugned order as stated supra, to issue patta for the entire stretch of the land as claimed by the respondent/writ petitioner, We feel that it requires some modification and hence, the following orders are passed in this Writ Appeal.

(a) That there shall be a direction to the Appellants, that is the Revenue Department to consider the plea raised by the respondent/writ petitioner for grant of patta in respect of the land in question at S.No.1/1B at Kundrathur Village and Taluk, Kancheepuram District.

(b) While considering the same, it is open to the Appellants



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to verify the actual extent of area which has been in occupation and possession of the respondent/writ petitioner for dwelling house purpose and if the same falls in the Gramanatham area, there could be no further impediment for the Revenue Department to consider the respondent/writ petitioner's request for grant of patta . Any how, the final call since has to to be taken by the Revenue Department, such a direction is given to the Revenue Department to consider the application submitted by the respondent/writ petitioner to pass orders thereon by taking into account, the aforestated facts and circumstances as well as the observations that We have made herein above.

(c) It is made clear that at any rate, the 1/3rd portion of the property which falls in S.No.1/1A1A which is a Meikkal Poramboke, the plea raised by the respondent/writ petitioner for getting patta for the said land also can be very well rejected by the Appellants/Revenue Department.

(d) The needful as indicated above shall be completed by the Revenue Department headed by the Commissioner of Land Administration, to whom the copy of this order be communicated by the Registry, within a period of three months from the date of receipt of a copy of this order.

(e) Till such time, no further coercive steps need to be



taken by the writ petitioner/respondent pursuant to the impugned order.

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15. To the above extent, the impugned judgment is modified and the Writ Appeal is disposed of accordingly, however, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

[R.S.K.,J.]

[S.S.A.,J.]

03-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

msr

Copy To: The Commissioner of Land Administration,
Revenue Department, Kancheepuram District.



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**R.SURESH KUMAR J.
AND
SHAMIM AHMED J.**

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