



WEB COPY

CMP No. 478 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 27-01-2026**

CORAM

**THE HON'BLE DR.JUSTICE ANITA SUMANTH**

**AND**

**THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

**CMP.Nos.478 of 2026, 4609, 3913, 13596, 678, 9322, 18237 and 20307 of**

**2024, 8532 of 2023 and 5341 of 2021 and**

**Sub.Appl.Nos.497 of 2025, 148 and 147 of 2024 and 226 and 227 of 2008**

**and OSA.Nos.111, 114, 115, 116, 117, 118, 246 of 2021,**

**and Cont.P.Nos.731 of 2008 and 583 of 2009 and**

**W.A.No.2985 of 2023**

1. Pr. Palaniappan
2. PR.Veerappan
3. RM.Visalakshi
4. RM.Periakaruppan
5. RP.Alagappan

..Appellant(s)

Vs

1. Pr. Palaniappan
2. C.T.C. Nachiappa Chettiar
3. Rm.Meyyammai (minor)
4. Dhanalakshmi Impex Pvt Ltd.,  
Rep.By Its Managig Director,  
H. Vimala,  
D/O. Late. Haraharan,



No.366E, 36th Street,  
T.V.S. Avenue,  
Anna Nagar West Extension, Chennai 101.

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5. Skv Import And Export  
Rep.By Its Popreitor,  
S. Vairavasundaram,  
S/O. N. Somasundaram,  
No.158/6, Golden Jubilee Flats,  
Padikuppam Road,  
Anna Nagar West,  
Chennai 40.
6. R. Rajam
7. M/s. Om Shakthi Agencies (madras) Pvt Ltd.,  
No.1, Jawaharlal Nehru Road,  
Ekkattuthangal,  
Chennai 600 097.
8. The State Of Tamil Nadu  
Rep by the Principal Secretary,  
Revenue Department,  
Fort St.George,  
Chennai - 600 009.
9. The Collector  
Fourth Floor,  
K.Singaravelar Maaligai,  
No.62,Rajaji Salai,  
Chennai Collectorate,  
Chennai 600 001.
- 10.The Inspector General Of Registration  
No.100, Santhome High Road,  
Mullima Nagar,  
Mandavelipakkam,  
Raja Annamalaipuram,  
Chennai - 600 028.
- 11.The Sub Registrar Office  
No.124, Arcod Road,  
First Floor,  
Virugambakkam,



Chennai -600 045.

12. The State Of Tamilnadu  
Rep By The Principal Secretary,  
Revenue Department,  
Fort St.George,  
Chennai 009.

..Respondent(s)

**OSA No. 111 of 2021**

Tr. Rathineswaran

..Appellant(s)

Vs

1. Pr. Palaniappan
2. Pr. Veerappan
3. Rm. Visalakshi
4. Rm. Periakaruppan
5. Rm. Meyyammai (minor)
6. Pr. Alagappan
7. C.T.C. Nachiappa Chettiar
8. Dhanalakshmi Impex Pvt Ltd.,  
Rep.By Its Managig Director, H. Vimala, D/o.  
Late. Haraharan, No.366e, 36 Th Street, T.V.S.  
Avenue, Anna Nagar West Extension, Chennai  
101.
9. Skv Import And Export  
Rep.By Its Popreitor, S. Vairavasundaram, S/o.  
N. Somasundaram, No.158/6, Golden Jubilee  
Flats, Padikuppam Road, Anna Nagar West,



Chennai 40.

10.R. Rajam

11.M/s. Om Shakthi Agencies (madr)

Pvt Ltd., No.1, Jawaharlal Nehru Road,  
Ekkattuthangal, Chennai 600 097.

12.The State of Tamil Nadu

Rep by the Principal Secretary,Revenue  
Department,Fort St.George, Chennai - 600 009.

13.The Collector

Fourth Floor,K.Singaravelar  
Maaligai,No.62,Rajaji Salai,Chennai  
Collectorate, Chennai 600 001.

14.The Inspector General of Registration

No.100, Santhome High Road,Mullima  
Nagar,Mandavelipakkam, Raja Annamalaipuram,  
Chennai - 600 028.

15.The Sub Registrar Office

No.124,Arcod Road, First Floor, Virugambakkam,  
Chennai -600 045.

(R12 to 15 Suo motu impleaded as party  
respondents vide court order dated 18 03 2021 in  
OSA.111 and 114 to 118 of 2021 and  
CMP.No.5341 of 2021 (NKKJ and PDAJ).



..Respondent(s)

**Prayer in CMP No. 478 of 2026:** To list the above OSA.No.111 of 2021 before this Hon'ble Court at an early date and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

**Prayer in OSA No. 111 of 2021:** To set aside the Ex-partee Judgement and Decree against 1 st Defendant Dated 02.03.2016 in CS No.710 of 2002.

For appellant in  
O.S.A.Nos.111, 114 to  
118 of 2021 : Mr.T.Sri Krishna Bhagavat  
W.A.No.2985 of 2023 &  
Cont.P.No. 731 of 2008 : Mr.P.L.Narayanan, Senior Counsel for  
Mr.E.Hariharan

For respondents in  
O.S.A.Nos.114 to 117 of 2021: Mr.P.L.Narayanan, Senior Counsel for  
Mr.E.Hariharan (for R1 to R4 and R6)  
O.S.A.Nos.111, 114 to 117  
of 2021 : Mr.V.V.Giridhar (for R5)  
O.S.A.Nos.111, 115 to 118 and  
246 of 2021: Ms.R.Anitha  
Special Government Pleader  
(for R12 to R15)

### **COMMON ORDER**

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

We have heard Mr.P.L.Narayanan, learned Senior Counsel appearing for Mr.E.Hariharan, learned counsel for R1 to R4 and R6, Mr.V.V.Giridhar, learned counsel for R5 in O.S.A.Nos.114 to 117 of 2021, Ms.R.Anitha, learned



Special Government Pleader for R12 to R15 in O.S.A.Nos.111, 115 to 118 and 246 of 2021 and Mr.T.Sri Krishna Bhagavat, learned counsel for the appellant in O.S.A.Nos.111, 114 to 118 of 2021.

2. There is no appearance for the appellant in O.S.A.No.246 of 2021 despite the name of M/s.Nathan & Associates being printed in the cause list. No appeals have been filed by CT.C.Nachiappa Chettiar, SKV Import and Export, R.Rajam and Om Shakthi Agencies (Madras) Private Limited as against judgment and decree dated 02.03.2016.

3. All learned counsel before us are consensus ad idem that the learned Advocate Commissioner appointed by this Court on 03.07.2009 is to hold possession of the suit property at Plot Nos.47,48,49,50,55,56,57 and 58 in Survey No.158, Block No.2, Saligramam Village, Thyagarayanagar Registration District, Madras ad measuring 10 grounds and 1600 sq.ft. (in short 'property'/'suit property') as custodian on behalf of this Court.

4. While so, a third party claiming through S.M.Subbiah Chettiar S/o N.Somasundaram Chettiar had obtained Letters of Administration of Will dated 05.12.1985 in O.P.No.713 of 2007 vide order dated 23.01.2008, on the strength of which they had staked their claim to the suit property by displaying a Board to that effect in the suit property. T.R.Rathineswaran, appellant in O.S.A.Nos.111 and 114 to 118 of 2021 had filed A.No.5203 of 2024 pointing

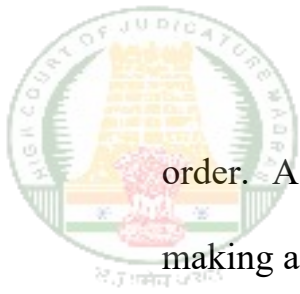


out that the conditions based on which Letters of Administration had been granted to those claiming to be legal heirs of S.M.Subbiah Chettiar, had not been complied with, by those persons.

5. Accepting the above submission, Letters of Administration granted on 23.01.2008 had been revoked by this Court vide order dated 14.02.2025. Order dated 14.02.2025 states that the Original Petition is to be listed after two weeks for adjudication. We are informed by the Registry that the Original Petition has been dismissed for non-prosecution vide order dated 04.03.2025 and Mr.Sri Krishna seeks some time to obtain instructions in this regard.

6. Be that as it may, the possession of the suit property had been entrusted to Mr.N.Krishnakumar, learned Advocate Commissioner vide order dated 03.07.2009. He has also taken possession thereafter and placed a Board reflecting the pendency of this litigation, that had been removed upon the grant of Letters of Administration.

7. With the revocation of the Letters of Administration, learned Advocate Commissioner will assume possession of the suit property forthwith per order of this Court dated 03.07.2009, he is permitted to seek assistance from R5 Virugambakkam Police Station, if necessary and the police authorities will provide assistance if he approaches them and upon production of a copy of this



order. A Board shall be put up in the premises within two (2) days from today making a disclosure of the pendency of the present litigation as follows:

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*‘This property is subject matter of litigation before High Court, Madras (C.S.No.710 of 2002 and O.S.A.Nos.111, 114 to 118 and 246 of 2021).*

8. R12 to R15 in O.S.A.Nos.111, 115 to 118 and 246 of 2021 had been directed to file status report as early as on 18.03.2021. There is no progress till date. Final opportunity is granted to them to comply with the directions under order dated 18.03.2021 within one (1) week from today, with a copy served in advance upon the other side.

9. Since the appeals are of the year 2021, we are of the considered view that the appeals may itself be taken up. Hence, CMP No.478 of 2026 is ordered and the Original Side Appeals listed on 13.02.2026 at 2.15 p.m.

(A.S.M.,J.) (M.S.K.,J.)

27-01-2026

Index: Yes/No

Speaking order

Neutral Citation: Yes

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***Note: i) Registry is directed to type the full cause-title, if necessary, while issuing the order copy.***

***ii) Registry is also directed to issue a copy of this order on or before 28.01.2026.***



To

1. The State Of Tamil Nadu  
Rep by the Principal Secretary,  
Revenue Department,  
Fort St.George,  
Chennai - 600 009.
2. The Collector  
Fourth Floor,  
K.Singaravelar Maaligai,  
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No.100, Santhome High Road,  
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CMP No. 478 of 2



**DR.ANITA SUMANTH J.**

**AND**

**MUMMINENI SUDHEER KUMAR J.**

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**CMP.Nos.478 of 2026, 4609, 3913, 13596, 678,  
9322, 18237 and 20307 of 2024, 8532 of 2023 and  
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**27-01-2026**