

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.171 OF 2018 AND
AND CMP.1005 OF 2018

- 1 THE PRINCIPAL SECRETARY &
COMMISSIONER OF LAND ADMINISTRATION
CHEPAUK, CHENNAI-5.
- 2 THE SETTLEMENT OFFICER
O/O.THE SETTLEMENT OFFICER
CHEPAUK CHENNAI-5.
- 3 ASSISTANT SETTLEMENT OFFICER-
SOUTH O/O.THE SETTLEMENT OFFICER
CHEPAUK, CHENNAI-5.
- 4 THE DIST COLLECTOR
MADURAI DISTRICT
- 5 THE DISTRICT REVENUE OFFICER
MADURAI DISTRICT ... appellants

Vs

AMMANI AMMAL DECEASED

- 1 Rajalakshmi
- 2 Ramachandran ... respondents

Appeal filed under clause 15 of Letter Patent against the order passed by this Court dated 31.1.2013 in W.P.No.27887 of 2010.

PRAYER IN W.P.No.27887 of 2010:

Petition filed Under Article 226 of the Constitution of India praying this Hon'ble court to issue a Writ of Certiorarified Mandamus, Calling for the records of the first

respondent dt.01.10.2010 made in Rc.No.K.1/4456/2009 and quash the same and direct the respondents to cause the correction in the settlement register of the fifth respondent in so far as Survey No.31/2, Ulaganeri Village, North Taluk, Madurai District and issue patta in favour of the petitioner to the lands situated in Survey No.31/2, Ulaganeri Village, Madurai District.

For appellants : Mr.S.R.Rajagopal
Additional Advocate General,
assisted by Mr.V.Anandhamurthy
Additional Government Pleader

For Respondents 1 and 2 : Mrs.Thilakavathy, Senior counsel,
for Mr.R.Gopinath

J U D G M E N T
(made by R.SUBRAMANIAN, J.)

The challenge in this writ appeal is to the order in W.P.No.27887 of 2010 dated 31.1.2013 in and by which the learned single Judge permitted the respondents herein to challenge the order of the Settlement Officer passed in the year 1958, de hors the question of limitation. A direction was also issued to the Government to furnish certified copy of the order said to have been passed in the year 1958, rejecting the claim of the deceased respondent to grant patta under Act 26/1948.

2. It was stated at the Bar that the order rejecting the claim of the deceased respondent for patta was not available. We have therefore directed the appellants to produce the original records relating to the enquiry proceedings of the Settlement Tahsildar. The original records are placed before us and in respect of the land covered in question, an entry is made by the Assistant Settlement Officer stating that the claim has been disallowed.

3. Today, the learned Additional Advocate General Thiru.S.R.Rajagopal, appears for the appellant. The original file containing the proceedings relating to determination of compensation payable to the inamdars has been produced. From the said file, it is seen that after rejection of the claim for patta, the deceased respondent has been given notices for determination of compensation under Section 39(1) of the Act 96/1948 and the said notices have been acknowledged by her as early as on 16.7.1961. These documents have not been placed before the learned Single Judge. We are therefore of the considerable opinion that the effect of these documents should be considered before determining as to whether the deceased respondent had knowledge of the proceedings, and having not challenged the proceedings for over 50 years now, whether she

could be permitted to challenge the proceedings of the year 1958. We are therefore of the considered opinion that the order of the learned Single Judge should be set aside and the matter remitted back to the learned Single Judge with a view to give an opportunity to the parties to produce all the documents before the learned Single Judge. The Settlement Officer shall file a counter affidavit, setting out all these details and also produce relevant documents in the form of a typed set or otherwise, before the learned Single Judge to enable the learned Single Judge to decide the matter on merits, afresh, in accordance with law.

4. In fine, the writ appeal is allowed and the order passed by the learned Single Judge is set aside. Consequently, C.M.P.No.1005 of 2018 is closed.

5. The Writ Petition is remitted to the learned Single Judge to dispose it of in accordance with law, after the Settlement Officer filing a counter affidavit and producing the documents which are now placed before us.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

1. THE PRINCIPAL SECRETARY &
COMMISSIONER OF LAND ADMINISTRATION
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MADURAI DISTRICT

5 THE DISTRICT REVENUE OFFICER
MADURAI DISTRICT

COPY TO

The Section Officer, Writ Section(Posting),
High Court, Madras.

+1cc to Mr.R.GOPINATH, Advocate, S.R.No. 53128
+1cc to the Government Pleader, S.R.No. 53203

W.A.No.171 OF 2018

SV(CO)
TR(28/08/2018)



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