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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.16427 of 2016  
and W.M.P.No.14192 of 2016

- 1.Sudagar
- 2.Sasi
- 3.Vengu Reddy
- 4.Rathinammal
- 5.Chenthi Reddi
- 6.Jayanthi
- 7.Bakkiam
- 8.Krishnan
- 9.Dinamani Ammal
- 10.Sesha Giri
- 11.Narasimhan
- 12.Maduri
- 13.Barathi
- 14.Siravanthi
- 15.Vinothkumar

... Petitioners

Vs

- 1.The Commissioner and Director  
of Survey and Settlement,  
Chepauk,Chennai - 600 005.
- 2.The District Collector,  
Tiruvallur District, Tiruvallur.
- 3.The District Revenue Officer,  
Tiruvallur.
- 4.The Revenue Divisional Officer,  
Tiruvallur.
- 5.The Tahsildar,  
Tiruvallur Taluk.

... Respondents



PRAYER:- Writ Petition is filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records and order of the 1st respondent passed in Na.Ka.E1/3600/2014 dated 15/04/2015 and quash the same as illegal and further directing the respondents to consider the claim of the petitioners for categorizing the land in Sy.No.45, Vengal Village, Tiruvallur District as Patta land in the revenue records.

For Petitioners : Mr.J.Antony Jesus  
For Respondents : Mr.M.R.Gokul Krishnan,  
Government Advocate

#### O R D E R

This writ petition is filed to issue a Writ of Certiorarified Mandamus to call for the records and order of the 1st respondent passed in Na.Ka.E1/3600/2014 dated 15/04/2015 and quash the same as illegal and further directing the respondents to consider the claim of the petitioners for categorizing the land in Sy.No.45, Vengal Village, Tiruvallur District as Patta land in the revenue records.

2. The case of the petitioner is that the Village Vengal was originally a Zamin Estate and it was taken over by the Government under the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act 26 of 1948, by notification under Section 1(4) of the Act and G.O.Ms.No.3157, Revenue Department dated 09.12.1950 and Zamin was abolished on 03.01.1951. The ancestors of the petitioners were in possession and they were issued patta in Zamin Patta No.219 for the land comprised in Survey Nos.54, 57/2, 60/2 and 45 situated in Chinnathangal Village.

3. On the basis of the documents, the Assistant Settlement Officer hold that the lands were covered under the Zamin Patta No.219 and the predecessors in title are lawful ryots. Aggrieved by the same, the Zaminthar Kousalya Ammal filed an appeal before the Estate Abolition Tribunal in A.S.No.478 of 1956 and the same was dismissed by an order dated 02.09.1956. Subsequently, she also filed writ petition before this Court in W.P.No.125 of 1958 and the same was also dismissed by an order dated 02.02.1960. Therefore, the petitioners' predecessors filed the suit in O.S.No.91 of 1962 on the file of the District



Munsif Court, Tiruvallur seeking for declaration of title and for permanent injunction restraining the Zaminthar from interfering with the possession and enjoyment of the property by the predecessors in title of the petitioners. The suit was decreed and the matter was also settled between them in S.A.No.704 of 1969 on the file of this Court. Accordingly, the subject land comprised in Survey Nos.54, 57/2, 60/2 and 45 was allotted to the petitioners' predecessors.

4. However, the said lands were wrongly classified as grazing ground poramboke. Therefore, a detailed representation was made on 31.05.2005 to the District Collector, Tiruvallur the second respondent herein. However, no action was taken and as such the petitioners approach this Court in W.P.No.4870 of 2006 and the Settlement Officer was directed to consider the representation after giving opportunity. The petitioners also made request to the District Collector to forward the documents produced by the petitioners to the first respondent herein. The first respondent conducted an inquiry and the petitioners failed to produce any documents to prove their title over the property.

5. That apart, the land is classified as grazing ground poramboke and the petitioners also were not in possession and enjoyment of the property. Therefore, the first respondent rejected the claim of the petitioners by the order impugned in this writ petition.

6. However, the learned counsel for the petitioners submitted that the Zamin Patta issued to the petitioners' predecessors in Zamin Patta No.219 original of which is now misplaced and they are not able to produce the same to the first respondent. He further submitted that the petitioners produced all the Judgments rendered in their favour before the first respondent and the same were also not considered before passing the impugned order.

7. A perusal of the documents, which were sent by the fifth respondent herein revealed that though Judgments and Decrees was passed in the suit filed by them, no document was filed to prove their title. Therefore, this Court finds no infirmity or illegality in the order passed by the first respondent and this writ petition is devoid on merits and liable to be dismissed.

8. However, if the petitioners are able to produce the documents to show about the title and possession and enjoyment of the said property, they can very well approach the fifth respondent herein.



9. Accordingly, this writ petition is dismissed. No order as to costs. Consequently, the connected miscellaneous petition is dismissed.

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Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner and Director  
of Survey and Settlement,  
Chepauk, Chennai - 600 005.
- 2.The District Collector,  
Tiruvallur District, Tiruvallur.
- 3.The District Revenue Officer,  
Tiruvallur.
- 4.The Revenue Divisional Officer,  
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- 5.The Tahsildar,  
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+1cc to the Government Pleader Sr No.46870

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and W.M.P.No.14192 of 2016

SRA (CO)  
PR (01/10/2021)