



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No.3308 of 2011
and M.P.No.1 of 2011

T. Ramachandra

... Petitioner

..Vs..

1. The District Collector
Krishnagiri District.
2. The District Revenue Officer,
Krishnagiri.
3. The Tahsildar,
Hosur.

... Respondents

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus directing the second respondent to call for the records in his proceedings Na.Ka.36780/2010/J2 dated 24.12.2010 and quash the same as illegal, incompetent and without jurisdiction and further direct the first respondent to issue patta based on the recommendation made by the third respondent.

For Petitioner : Mrs.V.Srimathi

For Respondents : M/s.A.Madhumathi
Additional Govt.Pleader

O R D E R

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus directing the second respondent to call for the records in his proceedings Na.Ka.36780/2010/J2 dated 24.12.2010 and quash the same as illegal, incompetent and without jurisdiction and further direct the first respondent to issue patta based on the recommendation made by the third respondent.

2. The learned counsel for the petitioner though submitted that the petitioner should be given an opportunity to prove title, this Court is unable to accept the contention. The 'A'



register prepared before the UDR shows that the property in Survey No.3 is registered as Sarkar Poramboke land. The property was never registered in the holdings of any individuals before settlement. An extent of 1.62.5 hectares in Survey.No.3 even during UDR was classified as Government Poramboke land. The settlement register produced by the petitioner also gives a clear indication that an extent of about 4 acres 1 cent comprised in Survey Nos.3A and 3B is classified as "Sarkar Poramboke" even before UDR. However in column No.12, the property is described as cart track (tz;o ghij)/

3. The entire land cannot be classified as Vandipathai. There is an explanation. The Revenue Officials used to detail every important place and its purpose for which the land is used. For example, as per the survey manual, land marks will be given in FMB. These land marks will also be noted in A Register. The entire extent of 1.62.5 hectares cannot or need not be a Vandipathai. A small portion of property which remains as a cart track is referred to as Vandipathai. The entire block of 4 acres cannot be enjoyed as Vandipathai. However that does not mean that the land is not a Government poramboke.

4. In this case, the petitioner has not produced any document of title. When the 'A' register prepared before and after UDR indicates that the property is classified as Government Poramboke, without a document of title, based on Kist receipts, the petitioner claims ownership over the property. The tax receipts produced by the petitioner before this Court give an indication that the petitioner has paid Kist for the land comprised in patta No.2A. When the petitioner has not produced the patta, this Court cannot accept the case that the Kist receipts produced by the petitioner relate to property in Survey No.3 in Mahadevapuram Village, (Kurumbar Street). In the absence of patta for the property, the petitioner cannot claim ownership over it. Also, in the absence of any prior records like patta, the Kist receipts produced by the petitioner cannot be relied upon to prove the petitioner's possession or enjoyment of the property.

5. As pointed out by this Court, the 'A' register prepared after UDR and the settlement register clearly indicate the property as the property of Government. The learned counsel for the petitioner relied upon the recommendation of the Thasildar dated 06.08.2007. The recommendations are contrary to the records produced before this Court. The petitioner has not produced any prior documents of title or patta issued during settlement. This Court cannot consider the documents produced by the petitioner as valid. It has now become a practice of every land grabber to produce before this Court the proceedings of Revenue Officials who are neither authorised nor competent to



make such remarks or recommendation about the holdings or classification. The settlement Register produced by the petitioner shows the land as "Sarkar Poramboke". In the same document in column No.30, name of one Ramayya and another were shown as land holders. When the entire land vests with Government and no ryotwari patta is issued to petitioner, there is no scope for granting patta to petitioner.

6. In the present case, the petitioner approached the District Revenue Officer for changing the classification. The District Revenue Officer after finding that the petitioner has no supporting evidence to prove that he is entitled to Ryotwari patta, has rejected the representation. The Government has taken over the villages either under Act 26 of 1948 or under the respective enactments subject to the pre-existing rights of ryots to get ryotwari patta or land holders to get Ryotwari patta. Act 26 of 1948 namely Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act or the subsequent Act prescribes procedure for Ryots to get Ryotwari patta. During the settlement under the respective enactments, Assistant Settlement Officers and Settlement Officers were appointed to deal with issues related to grant of Ryotwari patta. The petitioner has not approached the settlement officers to get Ryotwari patta during relevant point of time. However, after several decades, the petitioner has submitted a representation before the District Revenue Officer for grant of Ryotwari patta. Such a request or representation of the petitioner cannot be considered after this length of time in view of the time limit prescribed under the respective enactments. No prior document of title or evidence showing pre-existing right is produced by the petitioner.

7. This Court does not find any merit in the writ petition, as the District Revenue Officer, in the absence of any document, has rightly refused to grant ryotwari patta and has rejected the representation of the petitioner and this Court does not find any irregularity in the order. In the result, the writ petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar



dpq

To

1. The District Collector
Krishnagiri District.
2. The District Revenue Officer,
Krishnagiri.
3. The Tahsildar,
Hosur.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.17083

+1cc to the Government Pleader, S.R.No.

W.P.No.3308 of 2011
and M.P.No.1 of 2011

SKY(CO)
HS(15/07/2021)