



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NOS.16388, 16410 AND 17214 OF 2021
AND
W.M.P.NOS.17358, 17359, 17381, 17383,
18226 AND 18228 OF 2021

W.P.NO.16388 OF 2021:-

N.R.Sathish Murthy

... Petitioner in
W.P.No.16388 of 2021

W.P.NOS.16410 AND 17214 OF 2021:-

N.R.Panneer Srikanth

... Petitioner in
both W.P's

-Vs-

1. The District Collector,
Office of the District Collector,
Kancheepuram District,
Kancheepuram.
2. The Revenue Divisional Officer,
Sriperumbudur Taluk,
Kancheepuram District.
3. The Tahsildar,
Sriperumbudur Taluk,
Kancheepuram District.

... Respondents
(In all W.Ps)

PRAYERS IN W.P.NO.16388 AND 16410 OF 2021:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to issue patta to the petitioners to an extent of 1 acre 33 cents in Survey No.390/1, Mevaloor Kuppam Village, Papanchattiram, Sriperumpudur Taluk, Kancheepuram District.



PRAYER IN W.P.NO.17214 OF 2021:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to issue patta to the legal heirs of the petitioner's father N.Ramalingam to an extent of 1 acre 24 cents in Survey No.390/1, Mevaloor Kuppam Village, Papanchattiram, Sriperumpudur Taluk, Kancheepuram District.

In All W.P's

For Petitioners : Mr.K.Sakthivel

For Respondents : Mr.P.Baladhandayutham
Special Government Pleader

COMMON ORDER

These Writ Petitions have been filed for the issuance of Writ of Mandamus, directing the respondents 1 to 3 to issue patta to the petitioners to an extent of 1 acre 33 cents in Survey No.390/1, Mevaloor Kuppam Village, Papanchattiram, Sriperumpudur Taluk, Kancheepuram District and to direct the respondents 1 to 3 to issue patta to the legal heirs of the petitioner's father N.Ramalingam to an extent of 1 acre 24 cents in Survey No.390/1, Mevaloor Kuppam Village, Papanchattiram, Sriperumpudur Taluk, Kancheepuram District.

2. Heard Mr.K.Sakthivel, learned counsel appearing for the petitioners and Mr.P.Baladhandayutham, learned Special Government Pleader appearing for the respondents.

3. The petitioners have purchased the subject property comprised in Survey No.390/1 of various extents situated at Mevaloor Kuppam Village, Papanchattiram, Sriperumpudur Taluk, Kancheepuram District, in the year 1995, by the registered sale deeds. The subject land is classified as Anadheenam Dry lands. However, after purchase, the petitioners' name were included in the adangal extract of Mevaloor Kuppam Village. As the petitioners are being the brothers, they are jointly cultivating the entire extent of the property. There is a farm house and well with motor pumpset for which the Tamil Electricity Board has provided electricity service connection. They are also paying the property tax and other dues to the Revenue Authorities in respect of the subject properties. They had submitted an application for issuance of Patta before the first respondent for the subject properties. The said application was forwarded to the third respondent to take suitable action. However, it was pending without passing any order. Therefore,



the petitioners' filed a writ petition before this Court in W.P.No.4312 of 2012 and by an order dated 24.02.2012, this Court directed the petitioners to make a fresh representation and on receipt of the same, the third respondent was directed to consider the same and pass orders on merits and in accordance with law. Even then, on receipt of the fresh application for issuance of Patta, the third respondent did not pass any order.

4. The learned counsel for the petitioner would submit that though, the subject lands are classified as Anadheenam Dry, but the said classification does not make the subject lands as Government lands. The lands for which there were not represented properly before the Settlement Officer under the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948, the lands are classified as Anadheenam lands under the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948. Further, the unclaimed lands during the Ryotwari settlement, vested with the Government and Ryotwari Patta is granted to enable all the persons who are in continuous possession and enjoyment and fulfilled the conditions under the said Act to get the Ryotwari Patta.

5. However, the Government of Tamil Nadu, stated that even the purchasers have a right to get Patta like a landholder outside the scope of the aforesaid Act. He further submitted that as per G.O.Ms.No.1300 Revenue Department, dated 30.04.1971, the person who have been in continuous possession and enjoyment of the land, are entitled for grant of Patta for land less than 5 acres, the Revenue Divisional Officer is the competent authority. Therefore, the petitioners made representation for issuance of Patta.

6. He also relied upon the judgment of this Court dated 24.08.2021 in W.P.No.10596 of 2016. This Court held that there is no time fixed under Section 11 (A) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 or the rules framed thereunder in G.O.Ms.No.2043 Revenue, dated 05.08.1949. Therefore, the G.O.Ms.No.714, Commercial Taxes and Religious Endowment, dated 29.06.1987, deals with the prescription of time limit for preferring appeals and revisions as per the amendment made to various rules. Therefore, the application submitted for Patta, the said Government Order is not applicable and as such directed the authority concerned to consider the application for issuance of Patta on merits and in accordance with law.

7. The third respondent filed counter and revealed that Ryotwari Settlement was introduced in Mevaloor Kuppam Village, Sriperumbudur Taluk, Kancheepuram District, in the year 1954, as per the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948. The subject land comprised in Survey



No.390/1 has been classified as Dry Anadheenam as per the Settlement Register. It was made during the settlement enquiry under the aforesaid Act have become final. Therefore as per the provisions under Section 11 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948, an appeal against the decision made during the settlement has to be filed within a period of 30 days itself before the Assistant Settlement Officer. The time limit for filing an appeal was extended by the G.O.Ms.No.714, dated 29.06.1987 and accordingly to apply for condonation of delay to get Patta under Section 11A of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948, was fixed as on 20.08.1987. There is no provisions are available under the aforesaid Act to consider the claim for Patta for the lands beyond the last date, i.e. 20.08.1987. Therefore, the claim of the petitioners cannot be considered after a lapse of more than 33 years.

8. As held by this Court in W.P.No.10596 of 2016, the petitioners' have not preferred any appeal as against the order passed by the Assistant Settlement Officer. Whereas, the petitioners have made application for claiming Patta. However, the respondents are not the competent authorities to consider the request for issuance of Patta.

9. Therefore, the petitioners are at liberty to submit a fresh application before the Assistant Settlement Officer concerned, for issuance of Patta in respect of the subject lands and on receipt of the same the authority concerned is directed to consider the same and conduct enquiry after giving an opportunity of hearing to the petitioners, pass orders on merits and in accordance with law.

10. With the above directions, these writ petitions are disposed of. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Office of the District Collector,
Kancheepuram District,
Kancheepuram.



2. The Revenue Divisional Officer,
Sriperumbudur Taluk,
Kancheepuram District.

3. The Tahsildar,
Sriperumbudur Taluk,
Kancheepuram District.

+3ccs to Mr.K.Sakthivel, Advocate, S.R.Nos.64896 to 64898
+1cc to the Government Pleader, S.R.No.65294

W.P.NOS.16388, 16410 AND 17214 OF 2021
AND W.M.P.NOS.17358, 17359, 17381,
17383, 18226 AND 18228 OF 2021

EV (CO)
PBS/22/12/2021