



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2021

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WEB COPY

WP.No.833 of 2014

and

MP.No.1 of 2014

P.Bala Ravindran

... Petitioner

Vs

1.The Additional Principal Secretary
and Commissioner,
Survey and Settlement Survey House,
Chepauk, Chennai-5

2.The Assistant Settlement Officer(South),
O/o.Survey and Settlement,
Survey House, Chepauk,
Chennai-5

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the second respondent's proceedings made in Na.Ka.A1/1626/2012 dated 22.08.2013 and quash the same and direct the respondents to grant Ryotwari patta as per provisions of Act 26/48 to the petitioner and his family with respect to land comprised in S.No.2/1 over an extent of 3.69 acres in Sirudur Village, Madurai North Taluk and Madurai District pursuant to the petitioner's representation dated 14.02.2012.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.A.Selvendran,
Special Government Pleader

ORDER

The writ petition has been filed challenging the order passed by the second respondent in Na.Ka.A1/1626/2012 dated 22.08.2013, thereby rejected the request of the petitioner to



grant ryotwari patta in respect of the property comprised in survey No.2/1 to an extent of 3.69 acres situated at Sirudur Village, Madurai.

2. On perusal of the impugned order, revealed that the subject land is classified as 'kanmai' and as per G.O.Ms.No.714 (CT & RE) Department dated 29.06.1987, the request of the petitioner was rejected.

3. The learned counsel for the petitioner submitted that in the land comprised in survey No.2/1 situated at Sirudur Village, Madurai, other persons were granted patta as per the order passed by the first respondent dated 24.01.1996 to an extent of 7.28 acres and directed the second respondent to issue patta for the said land. Accordingly, the second respondent by order dated 09.02.1996, issued patta for the land comprised in survey No.2/1 to an extent of 7.28 acres situated at Sirudur Village, Madurai in favour of V.Ramamoorthy, M.Vanniya Perumal and M.Navaneetha Krishnan. However, the petitioner's request was rejected on the ground that the said land is classified as 'kanmai'.

4. Heard, Mr.M.Muthappan, the learned counsel for the petitioner, and Mr.A.Selvendran, Special Government Pleader appearing for the respondents.

5. Considering the very same issue involved in this writ petition, this Court, by order dated 12.08.2015 in WP.No.2751 of 2014 observed as follows:

"4. Learned counsel for the petitioner at the outset would refer to the impugned order dated 31.01.2012, wherein his request for grant of patta has been summarily rejected on the ground that any application filed beyond 20.08.1987 would be rejected as time barred. He also points out that when a similar order of rejection was questioned by a person like that of the petitioner herein before this Court, this Court by a detailed order, set aside the same and remanded the matter to the authorities concerned with a direction to consider the application without reference to the delay. Therefore, he submits that this order is liable to be interfered with.

5. I find that the rejection has been made only on the ground that the application has been filed beyond the time. In this connection, I refer to the order passed by this Court on 21.02.2012 in



WEB COPY

W.P.No.3989 of 2012, wherein this Court had an occasion to deal with a similar order of rejection and set aside the order, after finding that the Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963, does not prescribe any time limit for filing a claim petition for the purpose of issuance of patta. Therefore, when the application filed by the petitioner herein for patta has been rejected as it is time barred, the order suffers from patent irregularity. Further, the order of rejection has been passed without hearing the petitioner concerned.

6. Therefore, in the light of the order passed by this court on 21.02.2012 in W.P.No.3989 of 2012, this Writ Petition is allowed. The impugned order dated 31.01.2012 is set aside and the matter is remanded to the first respondent with a direction to consider the application afresh and in accordance with law after affording opportunity to the petitioner, within a period of eight weeks from the date of receipt of a copy of a order, without rejecting on the same ground of limitation once again."

6. In view of the above, this writ petition is allowed. Accordingly, the impugned order dated 22.08.2013 is set aside and it is remanded back to the first respondent for fresh consideration. Therefore, the first respondent is directed to issue notice to the petitioner and, after giving him opportunity of hearing, pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed. No order as to costs.

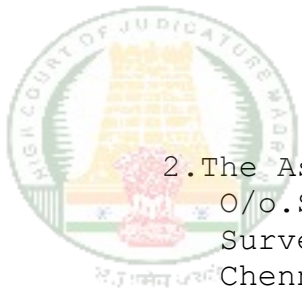
Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

lok
To

1.The Additional Principal Secretary
and Commissioner,
Survey and Settlement Survey House,
Chepauk, Chennai-5



2.The Assistant Settlement Officer(South),
O/o.Survey and Settlement,
Survey House, Chepauk,
Chennai-5

WEB COPY

SPD(CO)
GN(14/12/2021)

WP.No.833 of 2014