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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.22803 OF 2021

AND

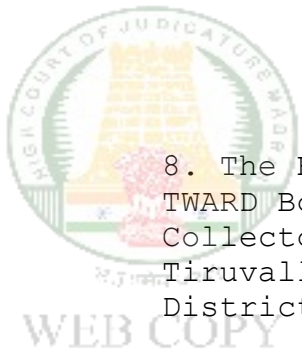
W.M.P.NOS.24029 TO 24031 OF 2021

1. V.Gajendran Mudaliar
2. H.K.Vijayalakshmi

... Petitioners

Versus

1. The District Collector,  
Collectorate of Tiruvallur,  
Tiruvallur District,  
Tamil Nadu - 602 001.
2. The District Revenue Officer,  
Collectorate of Tiruvallur,  
Tiruvallur District,  
Tamil Nadu - 602 001.
3. The Revenue Divisional Officer,  
Ponneri Taluk Office, Ponneri,  
Tiruvallur District.
4. The Zonal Deputy Tahsildar,  
Ponneri Zone, Ponneri Taluk,  
Tiruvallur District.
5. The Tahsildar,  
Ponneri Taluk Office, Ponneri,  
Tiruvallur District.
6. The Director,  
Directorate of Town Panchayat,  
Raja Annamalaipuram,  
Pattinapakkam, Chennai.
7. The Executive Officer,  
Ponneri Town Panchayat,  
Ponneri Town & Taluk,  
Tiruvallur District.



8. The Executive Engineer,  
TWARD Board,  
Collectorate Buildings,  
Tiruvallur Town Taluk &  
District - 602 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records in the impugned notice of the 4<sup>th</sup> respondent in Notice No.1065/2021 dated 07.07.2021 and quash the same as null and void and consequently direct the 5<sup>th</sup> respondent to issue Patta to the petitioners in respect of the schedule mentioned property.

For Petitioners : Mr.T.Ramachandran

For R1 to R7 : Mr.Yogesh Kannadasan,  
Government Advocate

#### ORDER

This writ petition has been filed challenging the impugned Notice No.1065/2021, dated 07.07.2021 issued by the 4<sup>th</sup> respondent and for quashing the same as null and void and consequently, directing the 5<sup>th</sup> respondent to issue Patta to the petitioners in respect of the schedule mentioned property.

2. The case of the petitioners is that the land admeasuring four acres and five cents comprised in Survey No.22 and New Survey No.55/2 originally belonged to the 2<sup>nd</sup> petitioner's parental grandfather Mr.Rajakannu Mudaliar. Subsequently, he divided the said property and other properties by way of partition deed to his sons namely, Mr.C.R.Vilvanatha Mudaliar, who is the father of the 2<sup>nd</sup> petitioner, C.R.Vasudeva Mudaliar and C.R.Thanikachalam Mudaliar. Thereafter, the petitioners purchased 35 cents each from the paternal uncles of the 2<sup>nd</sup> petitioner, namely C.R.Vasudeva Mudaliar and C.R.Thanikachalam Mudaliar. From the date of purchase, the petitioners were in possession and enjoyment of the respective properties purchased by them. When the petitioners approached the 5<sup>th</sup> respondent for getting Patta, they came to know that they got Patta in their predecessor, only then the sub-division can be made in respect of their lands. Hence, the parental uncles of the petitioners have filed a writ petition in W.P.No.2001 of 2016 as their representation were not considered by the concerned officials and an order was passed in the said writ petition directing the



5<sup>th</sup> respondent to consider the Patta Application in terms of the report submitted by the Assistant Settlement Officer dated 21.03.1994.

3. It is the further case of the petitioners is that the 4<sup>th</sup> respondent has issued a notice to the petitioners predecessor in title namely, C.R.Vasudevan Mudaliar and C.R.Thanikachalam and V.Ravichandran, who retains the balance land in Survey No.55/2. However, the aforesaid notice has not been issued to the petitioners, the lands have been declared as Punjai Lands on the ground that the Patta has been issued to one of the auction purchaser. In fact, the land was originally belonged to Indian Railways and when they have sold them by public auction it is a private land from such date of auction. In the circumstances, the Revenue Divisional Officer/3<sup>rd</sup> respondent has rightly held that there is no objection from the settlement point of view for the grant of ryotwari Patta. Pursuant to the RDO report, the lands have been wrongly classified as Anadheenam. Therefore, the land does not fall under the TN Estate Abolition Act, hence, there is no impediment in granting ryotwari patta. Finally, the similarly placed Gnanambal has been granted Patta under the proceedings of the Head Quarters, Deputy Tahsildar. Hence, the petitioners also fall in the same line and all the same considerations above stated should apply to the petitioner's case. In these circumstances, the respondents 5 to 8 claiming on their own, contrary to the settled proposition that the lands are Anadheenam is erroneous and devoid of merits and such claim without any proper enquiry has no legal sanctity. Hence, the petitioners have come forward with the present writ petition.

4. The learned counsel appearing for the petitioners submitted that the petitioners will be satisfied if a direction is issued to the 5<sup>th</sup> respondent to issue Patta to the petitioners in respect of the schedule mentioned property within a stipulated time that may be framed by this Court.

5. Having regard to the limited scope of the prayer that is now sought in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, the fifth respondent/Tahsildar is hereby directed to fix the date of enquiry of the petitioners in respect of the schedule mentioned property and pass appropriate orders on merits and in accordance with law after affording an opportunity of personal hearing to the petitioner within a period of six months from the date of receipt of a copy of this order. It is left open to the petitioner to engage an Advocate to assist for enquiry.



Consequently, the connected miscellaneous petitions are closed.  
No costs.

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Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sp/msm

To

1. The District Collector,  
Collectorate of Tiruvallur,  
Tiruvallur District,  
Tamil Nadu - 602 001.
2. The District Revenue Officer,  
Collectorate of Tiruvallur,  
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6. The Director,  
Directorate of Town Panchayat,  
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7. The Executive Officer,  
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8. The Executive Engineer,  
TWARD Board,  
Collectorate Buildings,  
Tiruvallur Town Taluk &  
District - 602 001.

+2ccs to Mr.T.Ramachandran, Advocate, S.R.No.55204

+1cc to the Government Pleader, S.R.No.55874

W.P.No.22803 of 2021  
and

W.M.P.Nos.24029 to 24031 of 2021

VSN-II (CO)

RLP (13/12/2021)