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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11147 of 2011

and

W.M.P.No.1 of 2011

M/s Umra Kavar Educational Trust,  
Represented by its Trustee Mr.S.D Manohar Kumar

... Petitioner

Vs.

1. The District Collector,  
Kanchipuram District,  
Kanchipuram.
2. The Settlement Officer (North)  
O/o. Principal Secretary and Commissioner of  
Survey and Settlement,  
Chepauk, Chennai.
3. The Tahsildar,  
Madurantakkam Taluk,  
Madurantakkam,  
Kanchipuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration to declare that the impugned order of the 2<sup>nd</sup> respondent in Ref : S.R No.52/5A under Sec.No.15 D of the Tamil Nadu Estate (Abolition and Conversion into Ryotwari) Act 1948 classifying the land comprised in S.No.47/1 measuring 67 cents, S.No.47/2 measuring 1.96 acres and S.No.48/1 measuring 1.58 acres situated at Thozhupedu Village, Madurantakkam Taluk, Kanchipuram District "As Anadeenam Land" is null and void and ultra vires to the provisions of the Tamil Nadu Estate (Abolition and Conversion into Ryotwari) Act 1948 and consequently directing the 3<sup>rd</sup> respondent to issue Patta in respect of the above property in favour of the petitioner.

For Petitioner : M/s.N.Nagu Sah

For Respondents : Mr.G.Nanmaran,  
Special Government Pleader



## O R D E R

When the matter is taken up for hearing, the learned counsel for the petitioner submitted that on perusal of the counter affidavit filed by the 3<sup>rd</sup> respondent, it is evident that the Thozhupedu Village in Madurantakkam Taluk was an inam village and classified the land comprised in S.No.47/1 measuring 67 cents, S.No.47/2 measuring 1.96 acres situated in the above said village as "Anadeenam Land" for which, the land was acquired by the Government on 01.10.1951 under the provisions of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948. While such being so, filing of this Writ Petition for declaration to declare that the disputed land is not "Anadeenam Land" under Sec.No.15 D of the Tamil Nadu Estate (Abolition and Conversion into Ryotwari) Act 1948 which is not sustainable. However, there is an alternative remedy available to the petitioner to make claim under Section 11 of the Act. Hence, he seeks permission of this Court to permit the petitioner to make appropriate claim before concerned authority.

2. In view of the fair submission made by the learned counsel for the petitioner that he has inadvertently filed this Writ Petition for declaration, however there is an alternative remedy available for him to file his claim before the concerned authority.

3. Hence, this Writ Petition is closed and the petitioner is at liberty to make appropriate claim under Section 11 of the Act before concerned authority. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. The District Collector,  
Kanchipuram District,  
Kanchipuram.
2. The Settlement Officer (North)  
O/o. Principal Secretary and Commissioner of  
Survey and Settlement,  
Chepauk, Chennai.



3. The Tahsildar,  
Madurantakkam Taluk,  
Madurantakkam,  
Kanchipuram District.

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+1cc to Mr.N.Nagu Sah, Advocate SR.No.14887

+1cc to Government Pleader SR.No.15524

W.P.No.11147 of 2011  
and  
W.M.P.No.1 of 2011

MT (CO)  
GMY (31/03/2022)