



W.P. Nos.17151/08-22393/2012-4491/2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	Pronounced on
1.09.2022 & 7.09.2022	30.09.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**W.P. NOS. 17151 OF 2008, 22393 OF 2012 & 4491 OF 2020
AND
W.M.P. NOS.5330 & 5331 OF 2020**

W.P. No.17151 of 2008

1. M.Neelakandan
2. M.Dilli

.. Petitioners

- Vs -

1. The Special Commissioner &
Commissioner for Land Administration
Chepauk, Chennai 600 005.

2. The Collector
Collectorate Office
Chennai 600 001.

3. The Tahsildar
Purasawalkkam Perambur Taluk
Perambur High Road, Perambur
Chennai 600 011.



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4. V.S.Babu
5. S.Tangashree Rao

6. Executive Officer
Arulmighu Somanathaswamy Temple
Kolathur.

.. Respondents

W.P. No.22393 of 2012

S.Tangashree Rao

.. Petitioner

- Vs -

1. The Special Commissioner &
Commissioner for Land Administration
Chepauk, Chennai 600 005.

2. The Collector
Collectorate Office
Chennai 600 001.

3. The Tahsildar
Purasawalkkam Perambur Taluk
Perambur High Road, Perambur
Chennai 600 011.

.. Respondents

W.P. No.4491 of 2020

V.S.Babu

.. Petitioner

- Vs -

The Addl. Chief Secretary/
Commissioner of Land Administration



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Chepauk, Chennai 600 005.

.. Respondent

W.P. No.17151 of 2008 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus calling for the records of the proceedings of the 1st respondent dated 26.6.08 made in Ref.K.1/3495/2004 and quash the said proceedings of the 1st respondent dated 26.06.2008 and consequently direct the revenue respondents to issue patta in respect of the lands measuring about 71 cents comprised in S. No.60/4 of Kolathur Village, Perambur, Purasawalkkam Taluk, Chennai District.

W.P. No.22393 of 2012 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari calling for the records pertaining to the proceedings K1/43495/2004 dated 26.06.2008 issued by the 1st respondent and quash the same.

W.P. No.4491 of 2020 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus calling for the records of the respondent in K1/20179/2011dated 24.12.2019, which was served on the petitioner on 20.01.2020 and quash the same as illegal, unlawful, ultra



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vires and against the principles of natural justice and consequently direct the respondent to issue patta in respect of petitioner's immovable property comprised in S. No.60/4, Kolathur Village, Chennai-99, having an extent of 00.71 acres.

For Petitioners	: Mr. B.Ravi in WP 17151/08 Mr.Jenasenan in WP 22393/12 Mr. T.S.Rajamohan in WP 4491/20
For Respondents	: Mr. R.Shanmugasundaram, AG Assisted by Mr.K.M.D.Muhilan, GA In WP 22393/12 & 4491/20 & for RR-1 to 3 in WP 17151/08 Mr.T.S.Rajamohan for R-4 in WP 17151/08 Mr. R.Subramanian for R-5 in WP 17151/08 Mr. T.Sundaresan for R-6 in WP 17151/08

COMMON ORDER

Assailing the cancellation of patta granted to the respective petitioner with regard to the same piece of land, a three pronged attack has been mounted on the said cancellation by three parties of which two parties are vendor and purchaser, while the other party is an third party unconnected with the other two. The cancellation of patta granted in their respective favour has resulted in



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the filing of the present writ petitions. For the sake of convenience, the petitioners in the three petitions will be referred to as P-1, P-2 and P-3.

Case of the petitioner in W.P. No.17151/2008

2. It is the case of the petitioners that the subject property, measuring 71 cents comprised in S. No.60/4 of Kolathur Village, Perambur-Purasawalkkam Taluk, Chennai – 11 originally belonged to one N.S.David from whom, the petitioner's father, viz., Murugesu Gramani purchased the same vide registered sale deed dated 7.9.1951, registered as Doc. No.1929/1951 at the office of the Sub Registrar, Sembium and ever since the said purchase, the lands have been in possession and enjoyment of the petitioner's father. It is the further averment of the petitioners that their father executed a registered Will dated 25.7.1952 bequeathing the property in favour of his three sons, to be shared equally.

3. It is the further case of the petitioners that pursuant to the receipt of the property, the petitioners approached the revenue authorities for transfer of the property in their names and for issuance of fresh patta. After prolonged communication, vide proceedings dated 23.7.2000, the Assistant Settlement



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Officer, Tiruvannamalai, granted patta in favour of the petitioners and direction was issued to reclassify the lands from its classification as 'Nanjai Anadheenam' to ryotwari lands.

4. It is the further case of the petitioners that the very same Assistant Settlement Officer, vide proceedings dated 19.7.2000 had granted ryotwari patta in favour of the petitioner in W.P. No.4491/20 (P-3), which order has been set aside by the 1st respondent by way of suo motu revision u/s 7 of the Tamil Nadu Estates (Abolition & Conversion into Ryotwari) Act, 1948 (for short 'Act, 1948').

5. It is the further case of the petitioner that aggrieved by the said order P-3 filed W.P. No.31032/04. Further, in view of the cancellation of the proceedings of the Assistant Settlement Officer dated 19.7.2000 granted in favour of P-3, the proceedings granting patta in favour of the petitioners, dated 23.7.2000 survived, the Tahsildar approached the Collector seeking instructions with regard to issuance of patta and the Collector, upon conduct of enquiry through the District Revenue Officer, upon satisfaction directed the Tahsildar to issue patta in favour of the petitioners, which culminated in the proceedings dated 6.10.2004.



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6. It is the further case of the petitioner that pending issuance of patta by the Tahsildar, the petitioners (P-1) sold the property to the 4th respondent (P-2) by sale deed dated 27.9.2004. The subsequent purchaser (P-2), filed suit in C.S. No.188/05 along with an application in O.A. No.230/2005 seeking an order of interim injunction restraining the defendants from interfering with his possession and by order dated 1.3.05, interim order restraining P-3 was granted by the court below and the appeal filed against the interim order resulted in an order of status quo being passed by the Division Bench in O.S.A. No.203 and 204/2005. It is the further case of the petitioner that the Commissioner of Land Administration as well as the Tahsildar were party respondents/defendants in the said suit and all the orders were passed only in their presence.

7. It is the further case of the petitioners that when the matters stood thus, the proceedings dated 6.1.2006 was passed by the 1st respondent cancelling the order passed by the Assistant Settlement Officer, Tiruvannamalai, dated 23.7.2000 as well as the proceedings of the Collector dated 23.9.04 and the consequent proceedings of the Tahsildar dated 6.10.04 in and by which patta was



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granted in favour of the petitioners with a further direction to restore the revenue records to its original position to reflect the classification of lands as 'Nanjai Anadheenam'. It is the case of the petitioners that the said order was passed without notice to the petitioners, which was in violation of principles of natural justice against which the petitioners preferred W.P. No.3277/06.

8. Pending the above petition, W.P. No.31930/04 was filed by the Temple for a direction to the revenue authorities to conduct enquiry on their petition dated 29.12.1994 and this Court clubbed all the three petitions, viz., W.P. No.32032, 31932/04 and 3277/06 and a common order was passed setting aside the order dated 6.1.06, passed by the Commissioner and remanding the matter for fresh consideration after affording an opportunity of hearing to all the parties concerned. Pursuant to the said order, the 1st respondent had proceeded with the enquiry and after granting opportunity to all the parties, vide order dated 26.06.2008, set aside the proceedings of the Assistant Settlement Officer dated 23.07.2000 aggrieved by which the present petition has been filed.

Case of the petitioner in W.P. No.22393/2012 :



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9. It is the case of the petitioner (P-2) that he is a bona fide purchaser, having purchased the lands from P-1 vide registered sale deed dated 14.7.2004 and ever since the purchase, the petitioner has been in possession and enjoyment of the lands. It is the further case of P-2 that his vendors even prior to the sale had applied for patta, which was granted by the Assistant Settlement Officer, Tiruvannamalai, vide proceedings dated 23.7.2000 and by the orders of the Collector, the classification from 'Nanjai Anadheenam' was changed as 'Ryotwari Land'. It is the further case of the petitioner that since P-3 attempted to interfere with his possession and enjoyment, C.S. No.188/2005 was filed for permanent injunction along with O.A. No.230/2005 seeking interim injunction restraining the defendants from interfering with the possession of the petitioner in which interim order was passed and the appeal in OSA Nos.203 and 204/2005 filed against the said order has been dismissed.

10. It is the further case of the petitioner that upon remand by this Court, the 1st respondent has conducted the enquiry and passed the impugned order dated 26.06.2008 setting aside the proceedings dated 23.07.2000 issued by the Assistant Settlement Officer, Tiruvannamalai, granting ryotwari patta in favour of



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the petitioner's vendor on the premise that the petitioner's vendor had not applied for patta within the time prescribed under G.O. Ms. No.714, Commercial Tax Department, dated 29.6.1987 aggrieved by which the present petition is filed.

Case of the petitioner in W.P. No.4491/2020 :

11. It is the case of the petitioner (P-3) that the subject lands originally belonged to one Natesa Chettiar, which was purchased by the father of the petitioner vide sale deed dated 14.2.1943 and the petitioner's father was carrying on agricultural activity in the said lands. However, due to drought, the petitioner's father went in search of job, but even at that point of time, the lands were in continuous possession and enjoyment of the petitioner's father and the title to the said property was held by the petitioner's father.

12. It is the further case of the petitioner that his father died during 1979 and the petitioner inherited the lands from the estate of his father and possession certificate was also issued on 17.5.1979 by the Tahsildar, Perambur-Purasawalkkam Taluk. It is the further case of the petitioner that pursuant to the



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possession certificate, the petitioner let out his property for rent on 7.4.1983 in favour of one Durairaj.

13. It is the further case of the petitioner that on coming to know that the lands have been wrongly classified as Nanjai Anadheenam, vide representation dated 6.1.1987, the petitioner prayed the Assistant Settlement Officer to issue appropriate directions for grant of patta in his name, which was followed by subsequent representations on 19.9.1990, 2.12.1994 and 15.6.1995. It is the further case of the petitioner that on coming to know that the enquiry proceedings relating to the survey and settlement procedures were not completed in the said area, the petitioner gave another representation dated 15.12.1998 to the Assistant Settlement Officer, Tiruvannamalai. After conduct of enquiry on 21.6.2000, the Assistant Settlement Officer passed orders on 19.7.2000 directing the Tahsildar, Perambur-Purasawalkkam Taluk to issue patta.

14. It is the further case of the petitioner that representation was forwarded to the Tahsildar on various dates, which evoked no response inspite of the recording of the Assistant Settlement Officer that the Revenue Tahsildar has



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not raised any objection for the grant of patta in favour of the petitioner. It is the further case of the petitioner that while the matter stood thus, *suo motu* proceedings dated 7.3.2002 was initiated u/s 11 (a) of Act, 1948, and show cause notice was issued to the petitioner citing that the petitioner had not applied for patta within the time specified in G.O. Ms. No.714, Commercial Taxes & Religious Endowment Department dated 19.6.1987 and further that the petitioner has not fulfilled the conditions laid down u/s 11 (a) as he did not produce any document prior to 01.07.1945 to which the petitioner submitted his objections. However, without appreciating the materials placed by the petitioner, the order dated 21.4.08 came to be passed cancelling the patta granted by the Assistant Settlement Officer, against which the petitioner preferred W.P. No.11784/08 and this Court vide order dated 20.11.2018 remanded the matter to the 1st respondent for consideration and to pass orders after hearing the petitioner. Pursuant to the said direction, the present order dated 24.12.2019 has come to be passed, which is challenged by filing the present petition.

15. Learned counsel appearing for P-1 submitted that the flow of title from Kannaiyah Naidu to the father of the petitioners from the year 1920 to 1951,



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when the subject lands changed hands, have been proved by the petitioners by placing all documents. It is the submission of the learned counsel that in all those documents, the lands have been classified as “Nanjai”. In fact, even in the sale deed in and by which the lands were purchased by the father of the petitioners, the classification of lands have been shown as “Nanjai”. Further, the lands devolved upon the petitioners by virtue of the registered Will, which was executed by the father of the petitioners.

16. It is the submission of the learned counsel for P-1 that upon the take over of the lands under Act, 1948, the petitioners made several attempts to obtain ryotwari patta. It is the further submission of the learned counsel that even tax with regard to the aforesaid lands were paid by the petitioners. It is the further submission of the learned counsel that the 1st representation was given on 12.8.1985 to the Assistant Settlement Officer, which was kept pending and it was followed by another application on 12.3.1986 and vide order dated 23.7.2000, the Assistant Settlement Officer granted patta in favour of the petitioners.



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submission of the learned counsel that P-1 has made the application to the Assistant Settlement Officer well within the limitation period as prescribed by G.O. Ms. No.714.

19. It is the further submission of the learned counsel that without appreciating all the aforesaid facts, the Commissioner of Land Administration, vide the impugned order, had cancelled the patta issued by the Assistant Settlement Officer relying upon G.O. Ms. No.714, which would not be applicable, as the said Government Order relates only to appeal/revision and not with regard to an original application before the Assistant Settlement Officer.

20. It is the further submission of the learned counsel that P-1 have proved that they are ryots and that the lands are ryotwari lands and the subject lands have all along been under the cultivation by the petitioners and such being the case, the Assistant Settlement Officer has properly appreciated the materials while granting the patta and rightly the patta granted in favour of P-3 was rejected earlier. However, without appreciating the aforesaid facts, the Commissioner of Land Administration, on erroneous application of G.O. Ms.



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No.714, has cancelled the patta granted to P-1, which is wholly perverse and unsustainable and, accordingly, prays for allowing the writ petition filed by P-1 and prays for rejecting the petition filed by P-3.

21. Learned counsel appearing for P-2 submits that the petitioner being a subsequent purchaser of land from P-1 and P-1 and his predecessors-in-title having been in continuous possession and enjoyment of the property and have been cultivating the land, would be entitled to ryotwari patta, which would, in turn, enure to P-2, as a subsequent purchaser. Accordingly, learned counsel prays for allowing the writ petition filed by P-2 and prays for rejecting the petition filed by P-3.

22. Learned counsel appearing for P-3 submits that the subject lands were purchased by the father of P-3 in the year 1943 by way of registered sale deed and since then, the petitioner's father and after his death, the petitioner has been in possession and enjoyment of the property and are carrying out cultivation in the property, except for a brief period of time, when the petitioner's father was not able to cultivate the lands due to drought.



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23. It is the further submission of the learned counsel that during drought, when cultivation could not be carried out, the petitioner's father had been in search of job, at which point of time, without notice to the petitioner's father, the lands were classified as 'Nanjai Anadheenam'. It is the further submission of the learned counsel that the documentary evidence in the form of possession certificate, adangal extract and payment of urban land tax would unerringly point to the petitioner being the owner of the lands and being in continued possession and enjoyment.

24. It is the further submission of the learned counsel that not only the chitta and adangal, but also the TSLR stands in favour of P-3 and the patta of P-3 was earlier in point of time to that of P-1. It is the further submission of the learned counsel that necessary documents evidencing the pre-existing right of the petitioner as also his predecessors-in-title, which were not taken proper note of by the Commissioner of Land Administration while cancelling the patta issued in favour of P-3 by the Assistant Settlement Officer. It is the further submission of the learned counsel that the petitioner has filed the application well within the



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time prescribed, viz., on 6.1.1987 and, therefore, the rejection by the Commissioner of Land Administration citing G.O. Ms. No.714 is wholly misconceived, as the petitioner has not filed appeal against any order passed in detriment to him. Therefore, learned counsel prays for allowing the writ petition filed by P-3 and prays for rejecting the writ petitions filed by P-1 and P-2.

25. Per contra, learned Advocate General appearing for the respondents submitted that Kolathur Village was notified by the Government under Act, 1948, vide G.O. Ms. No.2302 dated 1.9.1951 and the lands in the said village stood vested with the Government upon the said notification. It is the further submission of the learned Advocate General that Section 67 provides power to make rules and by virtue of the same Rules under the TN Estates (Abolition & Conversion into Ryotwari) Act, 1948, has been framed and Rule 2 therein, which provides a period of six months from the notified date or within two months from the date of publication within which an application has to be made to the appropriate authority by the landholder claiming ryotwari patta.



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26. It is the submission of the learned Advocate General that P-1 and P-3 had filed application only after 1985 by which time not only the period of limitation has lapsed, but even the extended limitation provided under the various Government Orders were over and, therefore, the Assistant Settlement Officer was not vested with any power or authority to entertain any application filed by P-1 and P-3.

27. It is the submission of the learned Advocate General that the limitation for filing original application is governed by G.O. Ms. No.589, which provided extended time till 30.06.1975 for filing original application seeking ryotwari patta. Neither P-1 nor P-3 had filed original application seeking patta within the aforesaid date and, therefore, after the said date, the Assistant Settlement Officer cannot entertain any application for patta. It is the submission of the learned Advocate General that the Assistant Settlement Officer, instead of referring to G.O. Ms. No.589, had referred to G.O. Ms. No.714 only for the purpose of providing P-1 and P-3 with an opportunity to approach this Court to obtain orders in their favour directing the Assistant Settlement Officer to consider their case for issuance of patta, as the limitation provided under G.O.



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Ms. No.714 is applicable only with regard to appeal/revision preferred against the order of the Assistant Settlement Officer. This fact has been appreciated in proper perspective by the Commissioner of Land Administration in the impugned order. It is the further submission of the learned Advocate General that but for the rejection of the Assistant Settlement Officer placing reliance on G.O. Ms. No.714, P-1 and P-3 would not have any grievance to approach this Court had reliance been placed on G.O. Ms. No.589.

28. It is the further submission of the learned Advocate General that insofar as P-1 is concerned, when it is the specific case of P-1 that he had already filed application before the Assistant Settlement Officer on 12.03.1986 and pending the said application, what was the occasion for P-1 to make a further application on 15.10.1986 has not been made known. Further, it is the submission of the learned Advocate General that inspite of the grant of ryotwari patta by the Assistant Settlement Officer on 23.7.2000, however, P-1 has not taken steps for a period of four years and only in the year 2004, has come up with request to the Tahsildar for issuance of patta. The said act of P-1 has been clearly dissected by the Commissioner of Land Administration, who has held that the



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delay caused is only for the purpose that by the said time the records would be destructed, which would enable P-1 to get the patta.

29. It is the further submission of the learned Advocate General that though the lands have been sold even in the year 2004 and the impugned order has been passed on 26.6.08, resulting in the filing of W.P. No.17151/08 by P-1, who, at the particular point of time did not have any lien over the subject property, as he had sold the same even in the year 2004, yet had immediately filed the writ petition, but the subsequent purchaser, viz., P-2, had filed the writ petition only in the year 2012. The reason for the delayed filing of the writ petition by P-2 is not evident so also the immediate filing of writ petition by P-1.

30. It is the further submission of the learned Advocate General that G.O. Ms. No.714 would not be applicable to the case of P-1 and P-3, as quoted by the Assistant Settlement Officer, even at the first instance when the application for patta was rejected, as the said Government Order only pertains to appeal/revision against the orders on the original application. Therefore, the



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petitioners cannot lay any stress on the said Government Order to claim any benefit whatsoever for grant of patta.

31. It is therefore the submission of the learned Advocate General that the impugned order has been passed by the Commissioner of Land Administration on proper appreciation of documentary evidence and strictly in consonance with the provisions of law and the Government Orders issued from time to time and, therefore, no interference is warranted with the orders impugned herein and, accordingly, prays for dismissal of the writ petitions.

32. This Court gave its anxious considerations to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

33. The overall case falls within the four corners of various Government Orders issued with regard to the issue of limitation for filing application seeking issuance of patta before the Assistant Settlement Officer and for better clarity,



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the various Government Orders are shown below along with the crux of the said order :-

S.No.	G.O. Ms. No.	Description
1	G.O.Ms.No.2302 dated 01.09.1951	Six month from the notified date or within 2 months from the date of Publication of this notification
2	G.O.Ms.No.2502 dated 08.07.1958	Time extended for filing application by the landholders outside the scope of Act to Collector beyond the time prescribed in the Act
3	G.O.Ms.No.1312 dated 26.07.1967	Benefits in G.O.Ms.No.2502 were extended to Ryots also
4	G.O.Ms.No.1300 dated 30.04.1971	Patta can be granted to the persons who are in continuous possession and enjoyment even after notified date
5	G.O.Ms.No.690 dated 02.03.1972	i) "one year after the introduction of settlement be fixed for preferring claims for grant of Patta outside the scope of the abolition act in respect of estates which have not yet been taken over" ii) In respect of estates where Settlement has been introduced already, the time limit be fixed as 30.06.1972.
6	G.O.Ms.No.584 dated 14.05.1975	i) In Government Memo 29317/J1/73-4 dated 02.05.1973 time was extended till 01.08.1973 in Dharmapuri District and 30.06.1973 in other Districts for grant of Patta under G.O.Ms.No.1300 ii) further government in Memo No.5862/J1/73-1 dated 26.12.1973 time was extended till 30.06.1974 for grant of Patta under G.O.Ms.No.1300



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	iii) The time limit is extended under this G.O. till 30.06.1975.
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34. A careful perusal of the aforesaid Government Orders reveals that while the lands, which are the subject matter of the present *lis* were taken over by the Government under G.O. Ms. No.2302 dated 1.9.1951 and ryotwari settlement was introduced in the year 1960. Vide G.O. Ms. No.1300 dated 30.04.1971, the Government permitted issuance of patta to persons, who are in continuous possession and enjoyment even after the notified date. Therefore, any person, who has been in continuous possession and enjoyment of the lands after 1.9.1951 would be entitled to grant of patta.

35. Thereafter, G.O. Ms. No.690 dated 2.3.1972 was issued in and by which a prescription has been made that in respect of estates which have not yet been taken over, a period of one year after the introduction of settlement was fixed for the purpose of entertaining claims for grant of patta outside the scope of the Abolition Act. However, in respect of estates where settlement has been



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introduced already, the time limit was fixed for grant of patta was fixed as 30.06.1972.

36. Thereafter, G.O. Ms. No.584 dated 14.5.1975 was issued in and by which time for claiming patta was extended till 01.08.1973 insofar as Dharmapuri District is concerned and 30.06.1973 insofar as other Districts are concerned for grant of patta under G.O. Ms. No.1300 dated 30.04.1971. Thereafter, further extension was granted till 30.06.1974 in Memo No.5862/J1/73-1 dated 26.12.1973 and, thereafter, finally it was extended till 30.06.1975 and the extension of time stood freezed as 30.06.1975. Therefore, any claim for patta u/s 11 of Act, 1948 can be entertained only till the cut-off date of 30.06.1975 and not beyond.

37. It is to be pointed out that till date no challenge has been made by the petitioners herein to the extensions granted for the filing of claims for grant of patta and also the freezing of the time as 30.06.1975, as the last date for filing of application for grant of patta.



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38. It is the alleged by P-1 and P-3 that their predecessors-in-title held the property at the relevant point of time, when settlement was introduced in the village, but no claim was made by their predecessors-in-title with regard to grant of ryotwari patta in their favour. The claim made by P-1 and P-2 is based on certain documents, viz., sale deeds, alleged to have been entered into by various parties, ultimately being purchased by the father of P-1 and P-3, whereinafter, it is alleged that the subject lands are in their respective possession and in continuous enjoyment. In effect, there is a dispute with regard to the title over the property, as both P-1 and P-3 claim the lands as being part of the property held by their father, which had, after the demise of their father, devolved upon them by way of inheritance. The case of P-1 goes one step further by claiming the subject lands through an alleged registered Will, said to have been executed by their father, when the petitioners were minor.

39. As already aforesaid, the first of the application of P-1 has been filed before the Assistant Settlement Officer on 12.3.1986 and insofar as P-3 is concerned, application has been filed before the Assistant Settlement Officer for the first time on 6.1.1987 by which time, not only the settlement stood



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completed in the said village in the year 1968, but about two decades after the settlement was completed in the said village, the present applications are alleged to have been filed by P-1 and P-3.

40. While P-1 claims purchase of the subject lands by his father vide sale deed dated 7.9.1951, P-3 claims purchase of the very same lands by his father vide sale deed dated 19.2.1943. This Court, even for a brief moment, is not inclined to dwell into the said sale deeds, as it would create a cloud of dispute over the claim made by either party. Title to the said property cannot be adjudicated by this Court sitting under Article 226 of the Constitution. Nevertheless, it is to be pointed out that suit in C.S. No.188/05 was preferred by P-2 in which O.A. No.230/05 for interim injunction, which was granted by this Court. Therefore, this Court cannot enter into the question of title.

41. The lands for which patta is claimed by P-1 and P-3 is alleged to have been purchased by the father of P-1 and P-3 in the year 1951 and 1943 respectively. Vide Act, 1948, the village was notified on 01.09.1951 and the lands stood vested in the Government upon take over on 1.10.1951 under the



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provisions of Act, 1948. Settlement was introduced in the year 1960 and minor inam lands were converted into ryotwari lands in the year 1968 and upon proper application by the landholder proving his ownership and cultivation of the said lands, upon proper verification, patta was granted by the Assistant Settlement Officer to those persons, who claimed ryotwari patta and the matter was settled in the year 1968.

42. It is the contention of the learned Advocate General that Section 67 provides power to make rules and by virtue of the same Rules under the TN Estates (Abolition & Conversion into Ryotwari) Act, 1948, has been framed and Rule 2 therein, provides for period within which an application be made to the appropriate authority by the landholder claiming ryotwari patta. It is therefore the submission that application not having been made within the prescribed period, the application of P-1 and P-3 for patta has been erroneously entertained.

For better appreciation, the said rule is quoted hereunder :-

2 (a) Every landholder claiming a ryotwari patta under sections 12, 13, 14, as the case may be, shall apply in writing to the Settlement Officer within six months from the notified date or



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within two months from the date of publication of this notification, whichever is later.

(Subject to the provisions of the Act and these rules, every application made to the Settlement Officer under this rule, after the period of limitation prescribed therefor, shall be dismissed although limitation has not been set up as a defense.

No such application made shall be admitted after the period of limitation prescribed therefor in this rule on the ground that the applicant had sufficient cause for not preferring the application within such period.”

43. From the above, it is evident that Rule 2 (a) provides that application for any patta u/s 12, 13 and 14 of Act, 1948, should be submitted within for a period of six months from the notified date or within two months from the date of publication of this notification. The village was notified under Act, 1948 on 01.09.1951 and the lands were taken over on 1.10.1951. Therefore, any person aggrieved, ought to have filed an application for patta u/s 12, 13 and 14 of the Act within six months from 10.09.1951 or within two months from 01.10.1951. However, it is to be pointed out that the aforesaid rule would not stand attracted to the case on hand for the simple reason that patta is sought for u/s 11 (a) of Act, 1948, whereas the aforesaid rule governs only the application filed u/s 12, 13



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and 14 of Act, 1948 seeking patta. Therefore, the said rule cannot be pressed into service for the purpose of computing limitation.

44. However, pursuant to the notification and vesting of the lands upon the Government, procedure have been prescribed for obtaining ryotwari patta. Very many Government Orders, as detailed above, were issued from time to time with extending the time for applying for patta, either under the aforesaid Act, 1948 or under the Outside the Scope of Abolition Acts and the last of such extension was by way of G.O. Ms. No.589 dated 14.5.1975 in and by which the time limit was extended up to 30.06.1975. Thereafter, no extension was granted for applying for patta before the Assistant Settlement Officer.

45. It is to be pointed out that the aforesaid Government Orders, which have been detailed above, more particularly the Government Orders in and by which limitation on filing application was extended has not been questioned before this Court. The said Government Orders have been allowed to continue without being questioned and in view of the passage of time, have attained finality. It is further to be pointed out that the petitioners in all the petitions have



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not questioned the limitation fixed in the various Government Orders. The cancellation of the patta by the Commissioner of Land Administration alone is put in issue.

46. The entire issue had cropped up only upon the initial orders of the Assistant Settlement Officer in rejecting the claim of P-1 and P-3 for grant of patta placing reliance upon G.O. Ms. No.714. It is to be noted that this is not the only case in which reliance has been placed on G.O. Ms. No.714, but in a series of cases, this Court has come across reliance placed on G.O. Ms. No.714 and, therefore, to find out whether any limitation has been prescribed for filing original application before the Assistant Settlement Officer, this Court went through G.O. Ms. No.714.

47. A careful perusal of G.O. Ms. No.714 dated 29.6.1987 reveals that even in the first paragraph of the said Government Order, it is recorded therein that for the purpose of providing for admission of belated appeals or revisions on the grounds of the petitioner having reasonable cause for not making the appeals or revisions within the prescribed periods, the said Government Order has been



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issued in which limitation period is fixed for filing appeal/revision before the concerned authority. Barring the appeal/revision, the said Government Order does not take within its fold original application filed before the Assistant Settlement Officer for grant of patta and, therefore, any reliance placed on the aforesaid G.O. Ms. No.714 by the Assistant Settlement Officer is nothing but a misconstruction or mistaken understanding of the Government Order and, therefore, the limitation prescribed in the said G.O. Ms. No.714 cannot be made applicable for applications filed before the Assistant Settlement Officer.

48. In the case on hand, it is the undisputed case of the petitioners that the original application filed by them is before the Assistant Settlement Officer for grant of patta and it is not an application challenging any order passed. Such being the case, G.O. Ms. No.714 would in no way stand attracted. Even a bare reading of G.O. Ms. No.714 reveals the nature of petitions it caters to and the limitation which is provided therein pertains to appeals/revisions, yet unmindful of the intent and purport of G.O. Ms. No.714, the Assistant Settlement Officer has merely rejected the matter citing the aforesaid Government Order, which had made the petitioners to knock the doors of this Court.



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49. Be that as it may. It is the undisputed case of the parties during the settlement process, the subject lands, which is alleged to have belonged to the respective father of P-1 and P-3 were classified as 'Nanjai Anadheenam'. It is the case of the P-1 and P-3, that the name of the petitioner is reflected in the revenue records and to substantiate the same, certain documents, such a TSLR, chitta, adangal extracts and urban land tax receipt have been filed by P-1 and P-3. It is to be pointed out that the lands were notified on 1.9.1951 and it vested with the Government on 1.10.1951 and since no person claimed patta to the said lands, the said lands were classified as 'Nanjai Anadheenam'. Though the petitioner claims that coming to know of the error in the revenue records, the petitioner has been diligently pursuing the matter with the revenue authorities, however, curiously, no specific date has been mentioned as to when the said process was started by the petitioner. Only on 12.03.1986 and 6.1.1987 the respective petitioners, viz., P-1 and P-3 have given application/representation for considering their case for issuance of ryotwari patta.



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50. It is nowhere the claim of the petitioners that notice was not issued to the predecessors-in-title of the petitioners, viz., P-1 and P-3. It is not the case of P-1 and P-3 that their respective father was not aware of the notification and take over of the lands. While P-1 has averred that their father died on 28.8.1962, it is the averment of P-3 that his father died prior to 1979, though the actual date of date of death is not disclosed. However, the fact remains that on the date of notification and on the date of vesting of lands with the Government, the predecessor-in-title to P-1 and P-3 were very much alive, but neither the father of P-1 nor the father of P-3 made any claim before the Assistant Settlement Officer claiming patta nor did they make any grievance to the subject lands being classified as 'Nanjai Anadheenam'.

51. While P-1 claims the land through a registered Will executed by their father, the possession of P-3 to the subject lands is sought to be established through a possession certificate dated 17.5.1979. It is further to be noted that the patta granted by the Assistant Settlement Officer vide proceedings dated 19.7.2000 in the name of P-3 was set aside by the Commissioner of Land Administration, but the patta granted in favour of P-1 was allowed to survive and,



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in fact, the Tahsildar had solicited instructions of the Collector for issuance of patta, which was directed in the affirmative resulting in the grant of patta vide proceedings dated 6.10.2004 in favour of P-1. However, vide order dated 6.1.2006, the Commissioner of Land Administration had cancelled the patta issued in favour of P-1 without notice, which was challenged by filing W.P. No.3277/06. P-3 had also challenged the cancellation of patta issued in his name by filing W.P. No.31032/04 while the temple had filed W.P. No.31932/04 in which this Court had set aside all the orders and remanded the matter to the Commissioner of Land Administration for fresh disposal after affording opportunity to all the parties.

52. As aforesaid, the classification of land as 'Nanjai Anadheenam' was not challenged by either P-1 or P-3 or even by their predecessor-in-title. P-1 claims the land through an registered Will executed by their father. However, it is to be pointed out that at the time of execution of the Will, P-1 were minors and a guardian was appointed to safeguard the interest of the minors, viz., P-1, yet the guardian has also not taken any steps to claim patta in respect of the said lands after the death of the father of P-1. Though the father of P-1 died on 28.8.1962



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and the entire settlement in the village was completed in the year 1968, yet neither the father of P-1 nor the guardian of P-1 made any claim claiming patta in respect of the subject lands. To put it concisely, the father of P-1 being the predecessor-in-title, as alleged by P-1, he ought to have claimed ryotwari patta in his name. However, for reasons best known to the father of P-1, no ryotwari patta was claimed by him, inspite of the fact that the lands were notified on 1.9.1951 and the lands vested with the Government on 1.10.1951. As aforesaid the guardian of P-1 has also not made any claim after 1962, when the father of P-1 is alleged to have breathed his last.

53. Insofar as P-3 is concerned, he claims the subject lands from his father, who is alleged to have bought the said lands in the year 1943, yet it is to be pointed out that there is no material to show any link between P-3 and the purchaser of the subject lands vide sale deed dated 14.2.1943. P-3 claims his right over the said lands by way of a possession certificate alleged to have been issued by the Tahsildar, Perambur-Purasawalkkam Taluk in and by which it has been stated that P-3 is the son of one Sundaram Pillai, who is alleged to have purchased the aforesaid lands. But the legal heir certificate pertaining to the said



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Sundaram Pillai has not been placed to prove that P-3 is the legal heir of the said Sundaram Pillai. In the absence of a legal heir certificate, placing reliance on a possession certificate to claim right and title over the property claimed to have been purchased by Sundaram Pillai, is wholly unacceptable.

54. Further, the materials available on record, as has been dissected in the earlier portion of this order, the first of the application by P-1 and P-3 has been given on 12.3.1986 and 6.1.1987. Though P-1 and P-3 draw their pre-existing from their predecessors-in-title, yet P-1 and P-3 have not proved their status as legal heir of the said purchasers. Further, the right of the predecessors-in-title of P-1 and P-3 ought to be established by P-1 and P-3 before they could claim right to claim the pre-existing right over the subject lands.

55. It is borne out by record and as discussed above, neither the predecessor-in-title of P-1 and P-3 nor the guardian of P-1 have claimed patta from the Assistant Settlement Officer upon issuance of notification or even the publication of notification. Further, the two individuals have not taken any steps to set at naught the reclassification of lands into 'Nanjai Anadheenam'.



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Therefore, from the above, it is clear that the predecessors-in-title to the petitioner have not claimed any pre-existing right over the said subject lands pursuant to the introduction of ryotwari settlement upon the lands vesting with the Government.

56. The patta has come to be granted by the Assistant Settlement Officer only after the directions of this Court on the premise that the rejection of the representation on the ground of delay by citing G.O. Ms. No.714 is erroneous as the said Government Order is not applicable with regard to an original claim, but is applicable only in case of appeal against a particular order. Only based on the aforesaid finding rendered by the Assistant Settlement Officer, this Court had directed fresh consideration of the application of P-3, resultantly leading to issuance of patta in favour of P-3 vide proceedings dated 19.7.2000. However, immediately on the heels of the said patta, vide proceedings dated 23.7.2000, the Assistant Settlement Officer has granted patta in favour of P-1 as well.

57. A perusal of the impugned proceedings of the Commissioner of Land Administration, dated 26.06.2008, in and by which the patta granted in favour of



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P-1 and P-3 by the Assistant Settlement Officer dated 19.7.2000 and 23.7.2000 were cancelled reveals that all the material records were taken into consideration while arriving at the finding that the pre-existing right of the petitioners were not proved and that the pre-existing right of the predecessors-in-title have also not been proved. Further, it transpires from the impugned order that the Assistant Settlement Officer has recorded that he made enquiries of the revenue records and that the revenue authorities did not raise any objection with regard to reclassification and, therefore, the Assistant Settlement Officer had granted patta in favour of P-3 and P-1 by reclassifying the lands as 'ryotwari lands'. A perusal of the proceedings of the Assistant Settlement Officer reveals that identical orders have been issued to both P-3 and P-1, in which the Assistant Settlement Officer has recorded that he made enquiries and, there being no objection from the revenue authorities, granted patta. However, the fact remains that there is no whisper in the said proceedings with regard to issuance of notice on the revenue authorities.



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58. It would also not be out of place for this Court to point out that in the impugned order, there is a categorical finding rendered by the Commissioner of Land Administration, which is quoted hereunder :-

“11. The Assistant Settlement Officer in his inspector report dated 14.07.2000 just mentioned the four boundaries of the suit land. He did not name the other officials such as Tahsildar/Deputy Tahsildar, Surveyor in his inspection report. It is intriguing to note that how the Assistant Settlement Officer without the assistance and knowledge of field staff identified and inspected the land. After this said inspection the Assistant Settlement Officer by his order dated 19.07.2000 granted patta in favour of Thiru V.S.Babu. The Assistant Settlement Officer has mentioned that the Tahsildar did not raise any objection for grant of patta. It is verified from the Assistant Settlement Officer's file that no notice or intimation issued to the Tahsildar. Secondly, in the case of second respondents, the Assistant Settlement Officer received application without date and seal. In this file also unreadable photocopies of some documents are found. The Assistant Settlement Officer in his order dated 23.7.2000 has stated that he inspected the land on 14.07.2000 and found that it is under possession and enjoyment of second respondent. In this order also the Assistant Settlement Officer has routinely mentioned that the Tahsildar did not raise any objection. This file was closed as K.Dis., which means it is subjected to destruction



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after a period of three years. Only with a hope that this file would have been destroyed after 3 years, the second respondent approached the Collector and the Tahsildar in the year 2004 and got patta transferred in their names. Fortunately, this file has been seized from the O/o Assistant Settlement Officer and all the irregularities committed by the Assistant Settlement Officer pointed out that these orders of Assistant Settlement Officer are not only fraudulent but fabricated too. Disciplinary proceedings have already been initiated against the erred officials in this case."

59. The above findings recorded by the Commissioner of Land Administration stares writ large not only on the proceedings of the Assistant Settlement Officer, but also in the manner in which patta has been granted to P-1 and P-3. Further, a perusal of the proceedings of the Assistant Settlement Officer dated 19.7.2000 and 23.7.2000 in and by which patta has been granted, though the Assistant Settlement Officer states that he has looked into the materials and being satisfied issued the patta, however, the specific materials which unerringly point to the petitioner having pre-existing right, which was carried on from his predecessors-in-title have not been spoken to by the Assistant Settlement Officer. Further, the link to show the legal status P-1 and P-3 with the purchasers



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of the property has not been established and, in fact, the Assistant Settlement Officer has not spoken anything about the same in his proceedings, but holding that pre-existing right has been established. Merely stating that all the documents submitted have been gone into would not suffice to hold that there was proper application of mind on the part of the 1st respondent in granting patta.

60. This Court has gone through the proceedings of the Assistant Settlement Officer dated 19.7.2000 and 23.7.2000 and though there are glaring discrepancies, however, this Court is not inclined to go into the same, as this Court, sitting under Article 226 would not be justified in conducting a roving enquiry with regard to facts, which are disputed. However, a perusal of the order passed by the Commissioner of Land Administration, which is impugned herein, reveals that upon erroneous reliance on G.O. Ms. No.714, the limitation has been adjudged. However, as stated above, the limitation would not be governed by G.O. Ms. No.714, but would be governed under G.O. Ms. No.589 dated 14.05.1975, wherein the time limit for submitting application was fixed as 30.06.1975. In the case on hand, as already stated above, the application for



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patta was submitted only in the year 1986/1987 by P-3 and P-1, which is clearly beyond the period of limitation and, therefore, the entertainment of the said application by the Assistant Settlement Officer is wholly unsustainable and the patta which has been granted in pursuance thereof cannot be maintained.

61. Be that as it may. A perusal of the materials available on record reveals that the pre-existing right of the petitioners, which has been derived from their predecessors-in-title, has not been proved by the petitioners. The predecessors-in-title, who were alleged to be very much at the helm of affairs at the time when the lands were notified and vested with the Government had not taken any steps to claim ryotwari patta nor challenge the classification of lands as 'Nanjai Anadheenam' and even the guardian of P-1 has not taken any steps claiming right over the said lands and seeking issuance of patta.

62. It is further to be pointed out that at the time when the Will was executed by the father of P-1, his sons were claimed to be minor and, therefore, guardian was appointed. This was way back in the year 1952. The father of P-1 passed away in the year 1962, by which time, some of his sons had attained



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majority. However, no steps were taken by P-1 for two and half decades and for the first time during March, 1986, the application for grant of ryotwari patta has been submitted. Further, P-1 claims the lands through a registered Will and the 2nd wife of P-1's father is alleged to have been appointed as guardian. That being the case, the legal heirs of P-1's father have not been shown to claim that they did not have any grievance over P-1 claiming the subject lands.

63. Throughout the entire case of P-1 and P-3, there is no whisper about their status as the legal heirs of the predecessors-in-title. Claim is made on the basis of certain documents without establishing their link with the predecessors-in-title. Ryotwari patta is sought for u/s 11 (a) of Act, 1948. One of the main ingredients of claiming patta u/s 11 (a) of Act, 1948 is the inclusion of the property in the holding of the landholder or any other person. For better clarification the relevant provision is extracted hereunder :-

"11. Lands in which ryot is entitled to ryotwari pattas. -

Every ryot in an estate shall, with effect on and from the notified date, be entitled to a ryotwari patta in respect of-

(a) all ryoti lands which, immediately before the notified date, were properly included or ought to have been properly included in



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his holding and which are not either lanka lands or lands in respect of which a landholder or some other person is entitled to a ryotwari patta under any other provision of this Act; and

(b) all lanka lands in his occupation immediately before the notified date, such lands having been in his occupation or in that of his predecessors-in-title continuously from the 1st day of July 1939:

Provided that no person who has been admitted into possession of any land by a landholder on or after the 1st day of July 1945 shall, except where the Government, after an examination of all the circumstances otherwise direct, be entitled to a ryotwari patta in respect of such land.

Explanation. - No lessee of any lanka land and no person to whom a right to collect the rent of any land has been leased before the notified date, including an ijaradar or a farmer of rent, shall be entitled to a ryotwari patta in respect of such land under this section."

64. From the above, it is clear that all ryoti lands, immediately before the notified date are to be property included in the holding of the landholder or some other person entitled to a ryotwari patta. Further, no person, who has been admitted into possession of any land by a landholder on or after the 1st day of 1945, shall, except where the Government, after an examination of all the



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circumstances otherwise direct, be entitled to a ryotwari patta in respect of such lands.

65. In the case on hand, as aforesaid, neither P-1 nor P-3 have proved their pre-existing right to the said lands and also have not proved the pre-existing right of their predecessors-in-title to the said lands. Further, as stated above, no document has been placed to prove their continuing link with the alleged purchasers of the land.

66. P-1 and P-3 claim their right to the said lands only after 1945, more specifically, P-1 claims right after 1962, while P-3 claims right after 1968. In the absence of P-1 and P-3 failing to prove their pre-existing right which they have derived from their predecessors-in-title along with the pre-existing right of their predecessors-in-title, the proviso to Section 11 (a) stands attracted and such being the case, P-1 and P-3 having allegedly come in possession of the subject lands after 1st July, 1945, necessarily, the course open to P-1 and P-3 is to have gone before the Government claiming ryotwari patta and it is exclusively within the domain of the Government to consider the case, after examination of all the



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materials and grant ryotwari patta and no other authority is vested with authority to grant ryotwari patta. The abovesaid fact has not been appreciated either by the Assistant Settlement Officer or the Commissioner of Land Administration while passing the respective proceedings.

67. Further, it is also to be pointed out that even according to P-1, his father was not cultivating the property due to drought and had been working elsewhere to eke his livelihood. Such being the case, seeking ryotwari patta cannot be sustained as cultivation is *sine qua non* to grant of ryotwari patta. As per the definition of “Ryot” and “Ryoti Lands” provided u/s 3 (15) and (16) of the Tamil Nadu Estate Land Act, 1908, which has been adopted in Act, 1948, ryoti lands means cultivable lands in an estate and that the person holding the said lands should be used for the purpose of agriculture. From the above, it is abundantly clear that ryoti lands are lands which are cultivable and are used for agriculture purposes. Any land in which agriculture is not being done would not fall within the scope of ryoti lands. Further, the person, who claims patta for the ryoti lands should establish that the lands are being used for agriculture. It is further to be pointed out that the Hon’ble Supreme Court in **P.Venkataswami &**



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Anr. – Vs – D.S.Ramireddy & Anr. (1976 (3) SCC) has held that a landholder claiming ryotwari patta must prove that he has been cultivating the land by himself or by his own servants from July, 1945 and is in continuous possession of the said lands. The above view has been followed by this Court in the case of **Tahsildar, Mambalam-Guindy Taluk & anr. – Vs – Kaneez Fathima & Ors. (2013 (5) MLJ 263).**

68. However, as aforesaid, P-1 and P-3 were not in possession of the lands prior to 1st July, 1945 and they claim right through their predecessors-in-title, which right has not been established as aforesaid. Further, the right of their predecessors-in-title have also not been established, as P-1 claims purchase of the lands by their father in the year 1951, while P-3 claims purchase of the lands by his father in the year 1943. Yet, P-1 and P-3 have not placed any materials to show their connecting link to the purchaser of the said lands. Such being the case, even if at all any claim is made by P-1 and P-3 it is only beyond the period 1st July, 1945 and such being the position, proviso to Section 11 comes into play and in that scenario, it is only the Government, which is the appropriate authority to decide on the entitlement of a person to grant of ryotwari patta and no other



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authority is vested with power to grant ryotwari patta. Such being the case, the grant of ryotwari patta by the Assistant Settlement Officer in favour of P-1 and P-3 is wholly impermissible, perverse, arbitrary, illegal and unsustainable.

69. Though the Commissioner of Land Administration has cancelled the said ryotwari patta on application of a wrong Government Order and without falling on the proviso to Section 11 of Act, 1948, yet that would in no way have the effect of nullifying the order cancelling the patta, as the patta, which has been granted to P-1 and P-3 by the Assistant Settlement Officer is without jurisdiction and mere quoting a wrong Government Order would not in any way lead to the order being bad or without jurisdiction, as a blatant wrong committed by the Assistant Settlement Officer has been rightly corrected by the Commissioner of Land Administration. In such a backdrop, this Court finds that the order impugned herein does not suffer the vice of illegality, perversity or arbitrariness and does not require any interference at the hands of this Court.

70. In view of the discussion made above, P-1 not having established their pre-existing right to claim ryotwari patta through the pre-existing right of their



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predecessors-in-title, the writ petition filed by P-2, the subsequent purchaser from P-1 would not in any way confer any right and title on P-2 to enforce his claim. Further the suit filed by P-2 is only as against P-3 against his interference in the enjoyment of the rights of P-2 in which the Government and the revenue authorities have not been made as a party. Such being the case, the decree passed in the suit would not in any way confer any right on P-2 over the existing lands and the revenue authorities are well within their powers to change the classification of lands back to 'Nanjai Anadheenam'.

71. For the reasons aforesaid, all the writ petitions fail and, accordingly, the same are dismissed. Consequently, connected miscellaneous petitions are also dismissed. However, there shall be no order as to costs.

72. Before parting with the case, it would not be out of context for this Court to state that it has become a lucrative practice for persons to grab properties belonging to the Government under the guise of ryotwari lands, which normally goes unnoticed and which would not stand attracted under the provisions of the Land Grabbing Act. What is more pathetic is that the grabbing



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of the Government lands is done with the aid of the officials of the Government, who, instead of acting as custodian of the Government property, for material gains, aid the unscrupulous elements in grabbing the Government lands. The conspirators, unmindful of the loss to the Government and the public, to quench their thirst in materialistic gains, resort to these acts with the aid of Government officials and such instances almost goes unnoticed, but for certain acts, which resultantly result in action being taken against the erring officials, as has been done in this case. This Court, already in the case of in ***Kiliammal & Ors. – Vs – State of Tamil Nadu & Ors. (W.P. No.14418/03, etc. Batch – Dtd 29.4.2022)*** has held that the Government is the reason for the situation in which it has to face very many challenges on the judicial side on account of grant/non-grant of patta, more especially, ryotwari patta and in that context held as under :-

“115. The reason for the said situation is the act of the Government in not taking prompt steps in repealing enactments, which have exhausted its life and are no longer a requirement to be maintained. The Ryotwari enactments, both minor and major inams is one such law, which is still being held, though the said enactment has outlived its life. Due to the recalcitrant attitude of the Government in not repealing such enactments, not only corruption is allowed to flourish, but the same paves the way for



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land grabbing as well, which is a very big menace in the society. It is high time that the Government takes prompt action to repeal such enactments, which are no longer required to be maintained so that many illegal acts can nipped in the bud. Not only the action to repeal the enactments would suffice, but equally the revenue officials, who did not have any jurisdiction to grant patta in respect of ryotwari lands have been responsible for the said act of granting patta in respect of ryotwari lands and, therefore, this Court feels that the Government should conduct an enquiry in order to fix the responsibility on the person, who has been instrumental in doing such nefarious acts and take appropriate action against such of those persons, which alone would restore the faith of the public in the functioning of the Governmental machinery. “

73. This Court is not yet aware of the action taken by the Government in implementing the suggestion that has been voiced by this Court in the decision aforesaid. This Court hopes and trusts that these cases would be an eye opener for the Government to implement the suggestions of this Court forthwith, so that unnecessary litigations can be put an end to.

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To

1. The Special Commissioner &
Commissioner for Land Administration
Chepauk, Chennai 600 005.
2. The Collector
Collectorate Office
Chennai 600 001.
3. The Tahsildar
Purasawalkkam Perambur Taluk
Perambur High Road, Perambur
Chennai 600 011.



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M.DHANDAPANI, J.

GLN

**PRE-DELIVERY ORDER IN
W.P. NO.17151 OF 2008
W.P. NO. 22393 OF 2012
AND
W.P. NO. 4491 OF 2020**

Pronounced on



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