



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NOS.16333, 21323 & 21324 OF 2010

AND

W.M.P.NOS.1 OF 2010

Tmt.R.Meenakshi

...Petitioner in W.P.No.16333 of 2010

D.Venkatesan

...Petitioner in W.P.Nos.21323 & 21324 of 2010

vs.

The Settlement Officer (North)
Office of the Principal Secretary
Commissioner of Land Survey
and Settlements
"Survey House", Chepauk,
Chennai-600 005.

... Respondents in all W.P's

Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the respondent in his proceedings O.Mu.E1/349/2005, O.Mu.(E1)/2936/05 & O.Mu.E1/2935/05 and quash the orders dated 03.08.2006 and 08.06.2006 respectively and direct the respondents to consider and pass order on merit on the request of the petitioners for grant of Ryotwari patta in respect of the lands measuring 0.37, 0.44, 0.60, 0.04, 0.12, 0.80 & 0.49 acre comprised in S.Nos.305/8, 305/9, 305/16, 305/17, 305/20, 476/3 & 737/2 in Madipakkam/Pakkam Village, Tambaram Taluk, Kancheepuram District and Pakkam Village, Thiruvallur Taluk and District respectively under the provisions of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari Patta) Act, 1948.

For Petitioners	: Mr.R.Asokan in all W.P's
For Respondent	: Mr.G.Nanmaran, Special Government Pleader in all W.P's



COMMON ORDER

These Writ Petitions have been filed against the orders of the respondent dated 03.08.2006 and 08.06.2006 and seeking quashment of the same and to pass orders on the request made by the petitioners.

2. The case of the petitioners is that their request for grant of Roytwari patta made through applications dated 03.08.2010 were rejected on the ground that the appeal filed by the petitioners were beyond the time as stipulated in G.O.Ms.714, Commercial Taxes and Religious Endowments Department, dated 26.07.1987, against which, these Writ Petitions have been filed seeking the relief of quashment of the same.

3. The learned counsel for the petitioners submitted that earlier, the very same issue came up for consideration before this Court in W.P.No.2590 to 2595 of 2009 and this Court by its order dated 17.03.2010 more particularly Paragraph 10, made it clear that there is no time limit fixed either under u/s.11(a) of the Act 26 of 1948 or the rules framed thereunder in G.O.Ms.No.2043 Revenue dated 05.08.1949. Further, the said decision was also followed by this Court in W.P.No.16834 of 2016.

4. The learned Special Government Pleader appearing for the respondent submitted that the impugned order passed by the respondent was purely on the sole reason of limitation and, not on any other grounds or merits. Hence, this Court may issue appropriate orders on merits of the case.

5. It is seen from the respective contentions of the parties that the impugned order passed by the respondent to reject the claim of the petitioners is purely on the sole ground of limitation and not on any other grounds or merits. According to the respondent, the claim made by the petitioners is by way of an appeal. Even a perusal of the order reveals that the impugned order has been passed stating that the appeal is time barred. However, it is seen that before passing the order no opportunity of hearing has been granted to the petitioners which is a clear violation of principles of natural justice. On the short ground W.P.No.16333 of 2010 is liable to be allowed.

6. For the aforesaid reasons, this Court is inclined to set aside the impugned order and remand the matter to the concerned authorities for fresh consideration on merits and in accordance with law after issuing prior notice to the parties. However, the petitioner in W.P.Nos.21323 & 21324 of 2010 had purchased the



lands as per registered Document No.942 of 1979 despite, the lands had been classified as "Govenrment Nanjai Anadheenam" in the year 1957 itself. Such being the case no occasion arises for grant of patta in favour of the petitioner in W.P.Nos.21323 & 21324 of 2010 and the said petitions deserves to be dismissed and the petitioner in W.P.Nos.21323 & 21324 of 2010 is not entitled to the relief sought for.

7. Accordingly, the Writ Petition in W.P.No.16333 of 2010 is allowed and W.P.Nos.21323 & 21324 of 2010 are dismissed. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To:

The Settlement Officer (North)
Office of the Principal Secretary
Commissioner of Land Survey
and Settlements
"Survey House", Chepauk,
Chennai-600 005.

+lcc to the Government Pleader, S.R.No.10753

W.P.Nos.16333, 21323 & 21324 of 2010
and
W.M.P.Nos.1 of 2010

AK(CO)
RLP(23/03/2022)