



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.4226 of 2008

1. Mrs.V.Saraswathiammal
2. Mr.V.Sankara Narayanan
3. Mr.V.Hogna Narayanan @ Lakshmi Narayanan

Petitioners are represented by their
Power of Attorney Agents

1. Mr.M.Balakrishna Mudaliar
2. Mr.K.S.Mohammed Sarbuddin

..Petitioners

Vs.

1. The Secretary to Government of Tamil Nadu,
Department of Revenue,
Fort St. George, Chennai 600 009
2. The Special Commissioner and Director of Survey
and Settlements, Survey Buildings, Chepauk
Chennai 600 005.
3. The Settlement Officer,
Office of the special Commissioner &
Director of Survey and settlements
Survey Buildings, Chepauk,
Chennai 600 005
4. The Assistant Settlement Officer [North],
Officer of the Special Commissioner &
Director of Survey and Settlements Survey and Buildings,
Chepauk, Chennai 600 005
5. The Tahsildar,
Sriperumpudhur Taluk,
Sriperumpudhur, Kancheepuram District
6. Mr.R.V.Raja
7. Mr.Sathyanarayana Reddi
8. B.Jayaraman

[R8-impleaded as per Court order dated



21.11.2008 om MPNo.2/2008 in W.P.No.4226/2008
by NPVJ]

.. Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Ceteriorarified Mandamus to to call for the proceedings of the 2nd respondent dated 9.7.2007 in Na.Ka.E3/430/2006 and that of the 3rd respondent dated 10.8.2007 in O.Mu.5854/07-E-3 acting on behalf of the 2nd respondent and quash the said proceedings and consequently direct the respondents 1 to 5 to issue joint ryotwari patta in favour of the petitioners jointly with ot her owners viz. Ramavathi and C.K.Venkataraman in S.Nos.312/1 315/1 346/2 346/3 346/4 346/5 347/1 347/4 and 347/5 Beeman Thangal Village in Sriperumpudur Taluk of Kancheepuram District.

For Petitioners : Mr.M.Sriram

For Respondents : Mr.U.Bharanidharan
Additional Government Pleader
for R1 to R6
Mr.M.Muthappan for R7
Mrs.Vasudha Thiagarajan for R8

O R D E R

The subject matter of challenge in this writ petition pertains to the order passed by the 2nd respondent dated 09.07.2007 and the subsequent rejection of the review petition by an order dated 10.08.2007.

2. The case of the petitioners is that they are the lawful ryots of Beeman Thangal Village which was a Zamin Estate notified under the Act 26 of 1948.

3. As on the notified date, the ryoti lands was held by four persons with their respective shares. The share of one of the ryoti was sold in a public auction in the year 1960 and it was purchased by one Rajagopal Naidu. This person obtained a ryotwari patta under the proceedings of the Board of Governor dated 23.10.1972.

4. The petitioners along with others claimed to be the owner of the land in the subject property. According to them they were not residing in the said village and taking advantage of the same, the respondents 6 and 7 managed to obtain a patta with respect to the entire extent of nearly 34.51 acres through proceedings dated 26.07.2000. It is specifically alleged by the petitioners that the patta was granted without even issuing notice to the petitioners and the Assistant Settlement Officer



did not have the power or jurisdiction to issue patta in favour of respondents 6 and 7, without even verifying the records. The petitioners have also raised a plea the respondents 6 and 7 do not have any semblance of right over the subject property.

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5. The petitioners filed a petition before the 1st respondent on 21.08.2006, seeking for the cancellation of patta issued in favour of the respondents 6 and 7 and for including the name of the petitioners as joint pattadarars. This petition was not considered and hence, a writ petition was filed before this Court and pursuant to the directions issued by this Court, a fresh petition was moved before the 2nd respondent in the year 2007.

6. The 2nd respondent on receipt of the petition filed by the petitioners, rejected the same only on the ground that it has been filed with substantial delay and did not go into the merits of the claim made by the petitioners. The petitioners filed a review petition before the 2nd respondent and the same was also rejected. Aggrieved by the same, this writ petition has been filed before this Court.

7. Heard Mr.M.Sriram, learned counsel for the petitioner and Mr.U.Bharanidharan, learned Additional Government Pleader for respondents 1 to 6 and Mr.M.Muthappan, learned counsel for 7th respondent and Mrs.Vasudha Thiagarajan, learned counsel for 8th respondent.

8. The main ground on which the 2nd respondent has rejected the petition filed by the petitioners is that he cannot entertain any petition under Section 11(a) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 (herein after called as the "Act") , beyond 20.08.1987 and he does not have the power to condone the delay. It is seen from records that the Assistant Settlement Officer has passed an order on 26.07.2000 granting the patta in favour of respondents 6 and 7 under Section 11(a) of the Act. The petitioners have taken a specific plea that they came to know about the issuance of patta in favour of respondents 6 and 7 only in the year 2006 and immediately they had filed a petition for the cancellation of patta and for the issuance of a joint patta in their favour. The further case of the petitioners is that the patta was granted behind their back and the petitioners were not put on notice and by virtue of the grant of patta in favour of respondents 6 and 7, their right over the property has been snatched without any opportunity. According to the petitioners, if an order can be passed by the Assistant Settlement Officer Under Section 11(a) of the Act, granting patta in favour of respondents 6 and 7 in the year 2000, it is illogical to reject the petition filed by the petitioners by stating that there is



no power to entertain any petition beyond 20.08.1987. If this date is strictly followed, the Assistant Settlement Officer ought not to have issued the ryotwari patta in favour of the respondents 6 and 7 in the year 2000.

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9. In the considered view of this Court, the case of the petitioners ought to have been dealt with on merits and it cannot be thrown out on the ground of delay since they have approached the respondents immediately after they came to know about the patta granted in favour of respondents 6 and 7.

10. In view the above discussion, this Court is inclined to interfere with the impugned order passed by the 2nd respondent dated 09.07.2000 and the same is hereby set aside. The matter is remanded back to the file of the 2nd respondent and the 2nd respondent is directed to issue notice to the petitioners and the respondents 6 and 7 and orders shall be passed on merits strictly in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. It is left open to the parties to submit all the documents and make their submissions which will be considered by the 2nd respondent before passing the final order.

11. This writ petition is allowed with the above directions. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government of Tamil Nadu,
Department of Revenue,
Fort St. George, Chennai 600 009
2. The Special Commissioner and Director of Survey
and Settlements, Survey Buildings, Chepauk
Chennai 600 005.
3. The Settlement Officer,
Office of the special Commissioner &
Director of Survey and settlements
Survey Buildings, Chepauk,
Chennai 600 005



4. The Assistant Settlement Officer [North],
Officer of the Special Commissioner &
Director of Survey and Settlements Survey and Buildings,
Chepauk, Chennai 600 005

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5. The Tahsildar,
Sriperumpudhur Taluk,
Sriperumpudhur, Kancheepuram District

+lcc to Mr.M.Muthappan, Advocate, S.R.No.34364

+lcc to the Government Pleader, S.R.No.34169

W.P.No.4226 of 2008

RSV(CO)
CT/05/07/2022