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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NOS.20941, 20347 AND 18545 OF 2012

AND

M.P.NOS.2 TO 2 OF 2012

1.T.V.Krishnakumar

2.Dr.N.Premila

3.T.K.Premkumar

... Petitioners in W.P.20941/2012

K.Madhavan

... Petitioner in W.P.20347/2012

A.Sujatha

... Petitioner in W.P.18545/2012

Vs.

1. The Commissioner of Survey  
and Settlement,  
Government of Tamilnadu,  
Chepauk,  
Chennai - 600 005.

2. The District Collector  
Chennai District,  
Collectorate Building,  
Rajaji Salai,  
Chennai - 600 001.

3. The Tahsildar,  
Mambalam - Guindy Taluk,  
Chennai - 600 078.

4. Ahamed Sheriff (Deceased)

5. Sameena

(R5 - impleaded as per order  
dated 25.10.2019 made in  
WMP.31154/2018 in  
WP.20941/2012 by MDIJ)

6. Dr.R.Jayachandran

7.Kala Jayachandran



(R6 and R7 - impleaded as per order  
dated 12.04.2022 made in  
WMP.7892/2022 in  
WP.20941/2012 by MDIJ)

... Respondents in W.P.20941/2012

1. The State of Tamil Nadu  
Represented by the Secretary to Government,  
Revenue Department,  
Fort St.George,  
Chennai - 600 009.
2. The Commissioner of Survey and Settlement,  
Government of Tamil Nadu,  
Chepauk,  
Chennai - 600 005.
3. The District Collector,  
Chennai District,  
Singaravelan Maligai,  
Collectorate,  
Rajaji Salai,  
Chennai - 600 001.
4. The Tahsildar,  
Mambalam - Guindy Taluk,  
Chennai - 600 078.
5. Ahamed Sheriff (Died)
6. Sameena

(R6 is substituted as LR of  
deceased R5 of Mr.Ahamed  
Sherrif as per order dated  
26.08.2015 by MMSJ made in  
MP.1/2015 in WP.20347/2012)

- 7.Dr.R.Jayachandran
- 8.Kala Jayachandran

(R7 and R8 - impleaded as  
per order dated 25.10.2019  
made in WMP.30588/2019  
in WP.20347/2012 by MDIJ)

... Respondents in W.P.20347/2012



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1. The Commissioner of Survey  
and Settlement,  
Government of Tamilnadu,  
Chepauk,  
Chennai - 600 005.
2. The District Collector  
Chennai District,  
Collectorate Buildings,  
Rajaji Salai,  
Chennai - 600 001.
3. The Tahsildar,  
Mambalam - Guindy Taluk,  
Chennai - 600 078.
4. Ahamed Sheriff (Deceased)
5. Dr.R.Jayachandran
6. Kala Jayachandran

(R5 and R6 - impleaded as per  
order dated 12.04.2022 made  
in WMP.7894/2022 in  
WP.18545/2012 by MDIJ)

... Respondents in W.P.18545/2012

Prayer in W.P.No.20941 of 2012:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the respondents 1 to 3 herein and quash the impugned order passed by the first respondent herein in Rc.D1/5054/11 dated 28.09.2011, in so far as it is concerning the petitioners' property being House plot bearing Plot No.1, comprised in TS No.7/2, of Block No.14, situate at Ranjit Lane, Adayar Village (Kotturpuram) Guindy Mambalam Taluk in Chennai District.

Prayer in W.P.No.20347 of 2012:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the entire records of the second respondent under reference No.RC.D1/5054/11 including the order dated 28.09.2011 in so far as it relates to the property of the petitioner comprised in T.S.No.7/19, Block No.14, of Adyar Village, Mambalam-Guindy Taluk, bearing New Door No.35, Old No.25-B, Ranjith Road, Kotturpuram, Chennai - 600 085 and quash the same.



Prayer in W.P.No.18545 of 2012:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the Respondents 1 to 3 herein and quash the impugned order passed by the first Respondent herein in Rc.D1/5054/11 Dated 28.09.2011, in so far as it is concerning the Petitioner's property being House Plot bearing Plot No.5, comprised in T.S.No.7/32, Now New T.S.No.7/37 of Block No.14, situated at Adyar Village (Kotturpuram), Guindy-Mambalam Taluk in Chennai District.

For Petitioners: Mr.M.Balasubramanian  
in W.P.Nos.20941 & 18545/2012  
Mr.V.G.Suresh Kumar  
in W.P.No.20347/2012

For Respondents: Mr.S.Silambannan for R1 to R3  
Additional Advocate General  
Assisted by  
Mr.Yogesh Kannadasan  
Special Government Pleader  
Mr.K.Selvaraj for R6 and R7  
R5 - not ready  
in W.P.No.20941/2012

Mr.S.Silambannan for R1 to R4  
Additional Advocate General  
Assisted by  
Mr.Yogesh Kannadasan  
Special Government Pleader  
R5 - Died  
R6 - not ready  
Mr.K.Selvaraj for R7 and R8  
in W.P.No.20347/2012

Mr.S.Silambannan for R1 to R3  
Additional Advocate General  
Assisted by  
Mr.Yogesh Kannadasan  
Special Government Pleader  
R4 - Died  
Mr.K.Selvaraj for R5 and R6  
in W.P.No.18545/2012



## C O M M O N    O R D E R

The petitioners have filed these writ petitions challenging the order dated 28.09.2011 passed by the Commissioner of Survey and Settlement. Since the issue involved in all these writ petitions are one and the same, they are disposed of by way of a common order.

2.The case of the petitioners is that Adyar is one among the five Zamin Estates in Madras District notified by the Government in G.O.Ms.No.3157 Revenue Department dated 09.12.1950 under Section 1(4) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act XXVI/1948 (Tamil Nadu Act XXVI of 1948) taken over on 03.01.1951 and settled during the year 1960. During the initial settlement operations under Act XXVI of 1948, the Final Settlement Enquiry Tahsildar with whom the original powers of the Settlement Officer were conferred by a General delegations conducted the enquiry as the Trint Authority.

3.The further case of the petitioners is that the FSE Tahsildar - I, Madras by an order in SR.6/Block14/AD/58 dated 15.01.1959 allowed a ryotwari patta under Section 11(a) of the Act in respect of S.No.7 of Block 14 by simply holding therein that Sakkubai Ammal wife of Rengasamy Naidu and Pushpavathy Ammal alias Baby Ammal wife of Purushothama Naidu are the owners of the land as found in Survey Land Register.

4.The further case of the petitioners is that the mother of Ahamed Sheriff, namely, Pyari Ammal alias Mumtaz Begum was not fully aware of the Settlement Operations. She filed petition dated 11.04.1994 before the Commissioner of Survey and Settlement, Chennai, seeking to set aside the orders of the Settlement Tahsildar and claimed ryotwari patta for the land in S.No.7 of Block 14 measuring an extent of 3.58 acres situated at Adyar Village of Guindy Mambalam Taluk in Chennai District. Since the said petition was not considered, after her demise, Ahamed Sheriff filed W.P.No.8109 of 2011 before this Court and this Court vide order dated 29.03.2011 directed the Commissioner of Survey and Settlement, Chennai, to dispose of the said representation within a time frame.

5.The further case of the petitioners is that pursuant to the order of this Court dated 29.03.2011 made in W.P.No.8109 of 2011, the Commissioner of Survey and Settlement, Chennai, passed the impugned order dated 28.09.2011, wherein, it is observed that the order of Settlement Tahsildar is liable to be



cancelled. But it is considered that after a period of more than 50 years, the action of cancelling the ryotwari patta issued by the Settlement Tahsildar will create severe law and order problems. Therefore, it is decided to issue ryotwari patta only to the lands remained vacant at present and accordingly the powers with vested under Section 5(2) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act XXVI/1948, ryotwari patta is issued to plots 7/2, 7/3, 7/6, 7/19, 7/29, 7/37 comprised in T.S.No.7 of Block No.14 situated at Adyar village of Guindy - Mambalam Taluk in Chennai District in favour of revision petitioner. Challenging the said order, the present writ petitions have been filed.

6.The learned Additional Advocate General submitted that suo motu revision in terms of Section 7 of Act XXVI of 1948 has been initiated as against the impugned order dated 28.09.2011 passed by the Commissioner of Survey and Settlement, Chennai, and the same is pending before the Commissioner of Land Administration [Board of Revenue].

7.At this juncture, the learned counsel appearing for the petitioners submitted that it would suffice, if this Court issues direction to the Commissioner of Land Administration [Board of Revenue], to dispose of the suo motu revision after hearing the petitioners and other aggrieved parties including the newly impleaded respondents and to pass appropriate orders within a reasonable time frame.

8.In reply, the learned Additional Advocate General submitted that a date will be fixed for hearing and notice will be issued to the petitioners as well as the newly impleaded respondents and other aggrieved parties and appropriate orders will be passed within the time frame that is to be fixed by this Court. He further submitted that if it is necessary public notice will be issued to hear the necessary parties.

9.In view of the fair and consent view expressed by the learned Additional Advocate General, this Court without expressing any opinion on the merits of the case, directs the Commissioner of Land Administration [Board of Revenue] to hear the petitioners as well as the newly impleaded respondents and other aggrieved parties, by issuing public notice, within a period of four weeks from the date of receipt of a copy of this order and to pass appropriate orders, within a period of twelve weeks thereafter.



10. These writ petitions are disposed of with the above observation. No costs. Consequently, the connected miscellaneous petitions are closed.

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Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,  
Revenue Department,  
Fort St. George,  
Chennai - 600 009.
2. The Commissioner of Survey and Settlement,  
Government of Tamil Nadu,  
Chepauk,  
Chennai - 600 005.
3. The District Collector,  
Chennai District,  
Singaravelan Maligai,  
Collectorate,  
Rajaji Salai,  
Chennai - 600 001.
4. The Tahsildar,  
Mambalam - Guindy Taluk,  
Chennai - 600 078.

Copy To

The Commissioner of Land Administration,  
(Board of Revenue)  
Chennai.

+2cc to Mr.M.Balasubramanian, Advocate, S.R.No.25561, 25562  
+1cc to Mr.V.G.Suresh Kumar, Advocate, S.R.No.25421  
+3ccs to Mr.K.Selvaraj , Advocate, S.R.No.25670

W.P.Nos.20941, 20347  
and 18545 of 2012  
And M.P.Nos.2 to 2 of 2012

AD(CO)  
PM/19/04/2022