

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.NO.15621 OF 2016

&

W.M.P.NO.13573 OF 2016

C.Palani

... Petitioner

Vs

1. The Additional Chief Secretary /
Commissioner of Land Administration
II Floor, Ezhilagam, Chepauk,
Chennai 600 005.
2. The Principal Secretary / Commissioner
of Survey and Settlements
office of the Commissioner and
Director of Survey and Settlements
"Survey House", Chepauk
Chennai 600 005.
3. The Settlement Officer
office of the Commissioner and
Director of Survey and Settlements
"Survey House", Chepauk
Chennai 600 005.
4. The Assistant Settlement Officer [North]
office of the Commissioner and
Director of Survey and Settlements
"Survey House", Chepauk
Chennai 600 005.
5. The Tahsildar
Thiruvarambur Taluk Office
Tiruchirapalli-13.

... Respondents

Prayer: Writ Petition filed Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus to call for the records of the 1st respondent in

D.Dis.K1/28327/2012, quash the order dated 16.03.2016 and direct the 4th respondent to pass order on merit after affording an opportunity of personal hearing to the petitioner.

For Petitioner : Mr.R.Asokan

For Respondents : Mrs.V.Yamuna Devi
Special Government Pleader

ORDER

- (1) Challenge in this writ petition is to the rejection of the request of the petitioner for grant of patta under the Inam Abolition Act.
- (2) The Assistant Settlement Officer rejected the request of the petitioner by order dated 23.12.2010. The petitioner thereafter approached the Settlement Officer who rejected the request on the ground that the claim is belated even as per G.O.Ms.No.714 dated 29.06.1987. The further challenge before the Director of Survey and Settlement also failed. Thereafter, the petitioner approached the Commissioner, Land Administration, Chepauk, Chennai, who also rejected the claim on 16.03.2016. Hence, the petitioner is before this Court challenging the said order of the Commissioner, Land Administration, Chepauk, Chennai,
- (3) Heard Mr.R.Asokan, learned counsel for the petitioner and the learned Special Government Pleader for the respondents.
- (4) In the counter affidavit filed, it is claimed that the request of the petitioner is highly belated and that the survey number for which he claims patta is non-existence. The first objection in the counter affidavit, namely, the delay in filing the application is, in my opinion, sufficient to dismiss the writ petition.
- (5) The claim is made on the basis of the Inam Abolition Act in the year 2010. No doubt, there are Government Orders enabling the persons to apply for patta outside the scope of the Act. But, those powers were circumscribed by G.O.Ms.No.714 dated 29.06.1987 wherein it has been very clearly stated that belated claims should not be entertained. The last date for making a claim outside the scope of the Act under G.O.Ms.No.1300 dated 26.11.1975. The claim has been made in the year 2010 nearly 35 years

thereafter. Hence, it is clear that the claim is belated and it is a stale claim and the authorities cannot be faulted for having rejected the same.

- (6) The writ petition therefore fails and it is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

AP

To

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Commissioner of Land Administration
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+1cc to the Government Pleader, S.R.No.42938

W.P.No.15621 of 2016

GPL(CO)
RLP(19/07/2022)