



WEB COPY



W.P.Nos.5225 of 2011, 28274 of 2013 & 9907 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.Nos.5225 of 2011, 28274 of 2013 & 9907 of 2014
and M.P.Nos.2 of 2013 & 2 of 2014
and W.M.P.Nos.21167 & 21165 of 2022

W.P.No.5225 of 2011:

B.Gokulanathan

... Petitioner

Vs.

1.The Settlement Officer,
Survey House,
3rd Floor, Chepauk,
Chennai – 5.

2.The Assistant Settlement
Officer, (North)
Chepauk, Chennai – 5.

3.Muthukrishnan

4.D.Manickarajan

5.Selvanayagi

6.Vijyalakshmi

7.Sakunthala

8.D.Prabhakar

... Respondents

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PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent in Revision No.1&5/2010/E1 dated 31.01.2011 confirming the orders of the second respondent in SR.01/2009(E2/3622/008 dated 16.11.2009 and quash the same and direct the second respondent to grant joint patta in favour of the petitioner and respondents 3 to 7 in terms of the Partition Suit final decree in O.S.No.669/1962 dated 29.11.1966, on the file of the District Munsif, Poonamallee in respect of the land in S.No.179/1, T.S.No.7, Block No.25, Old Paimash No.170 and 173 of No.136, Adambakkam Village, Tambaram Taluk, Kancheepuram District measuring an extent of 4384 Sq.Meters.

For Petitioner : Mr.S.Kamadevan

For Respondents 1 & 2 : Mr.U.Bharanidharan,
Additional Government Pleader

For Respondents 3,5 & 7 : Mr.V.R.Karthikeyan

For Respondents 4,6 & 8 : Mr.K.Senthilkumar

W.P.No.28274 of 2013:

A.Kasthuri

... Petitioner

Vs.

1.The District Collector,



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Collectorate,
Kanchipuram,
Kanchipuram District.

- 2.The Commissioner and Director of Survey
and Settlement,
Survey House,
Chepauk, Chennai – 600 005.
- 3.The Settlement Officer,
Survey and Settlement Department,
Chepauk, Chennai – 600 005.
- 4.The Assistant Settlement Officer (North),
Survey and Settlement Department,
Chepauk, Chennai – 600 005.
- 5.Revenue Divisional Officer,
Tambaram,
Kanchipuram District.
- 6.Special Tahsildar,
Survey and Settlement Department,
Alandur, Kanchipuram District,
Chennai – 600 016.
- 7.The Tahsildar,
Revenue Department,
Alandur, Kanchipuram District,
Chennai – 600 016.
- 8.Town Surveyor,
Alandur Municipality,
Alandur, Kancheepuram District,
Chennai – 600 016.



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9.N.Murugan

10.D.Prabhakar

Rep. by his General Power Agent S.Thanigaivel

(R10 impleaded vide order dated 22.06.2022 made in
W.M.P.No.14095/2022) ... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari, calling for the records of the fifth respondent in Na.Ka.No.1401/2013/A dated 19.07.2013 and the Town Survey Field Register dated 06.08.2013 issued by the sixth and eighth respondent and Town Survey Field Survey Extract dated Nil issued by the eight respondent in pursuance of impugned order, for Survey No.179/1PT, Survey Field No.7/1, 7/2, Ward No.G, Block No.25 admeasuring to an extent of 1.22 Acres, Adampakkam Village, Alandur Taluk, Kanchipuram District, in favour of ninth respondent herein and quash the same.

For Petitioner : Mr.R.Viduthalai,
Senior Advocate
for Mr.A.R.Balaji

For Respondents 1 to 8 : Mr.U.Bharanidharan,
Additional Government Pleader

For Respondent 9 : Mr.M.Raja

For Respondent 10 : Mr.K.Senthilkumar

W.P.No.9907 of 2014

B.Gokulanathan

... Petitioner

Vs.



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- 1.The Settlement Officer,
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Chennai – 5.
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Chepauk, Chennai – 5.
- 3.The Revenue Divisional Officer,
Tambaram,
Kancheepuram District.
- 4.The Tahsildar,
Tambaram Taluk,
Kancheepuram District.
- 5.The Special Thasildar,
Survey & Settlement,
Alandur, Chennai – 600 016.
- 6.Kasthuri
- 7.A.Senthilkumar
- 8.A.Udayakumar
- 9.A.Lakshmikanthan
- 10.A.Balaji
- 11.N.Murugan
- 12.D.Prabhakar

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari, calling for records of the fifth respondent in Town/Va.P.THo.No.491/2013 dated 10.06.2013 granting patta



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to an extent of 45 cents in favour of the respondents 6 to 10 and the proceedings of the third respondent in Na.Ka.No.1401/2013/A dated 19.07.2013 granting patta to an extent of 1.22 Acres in favour of the 11th respondent in respect of the land in Survey.No.179/1, T.S.No.7, Block No.25, Old Paimash No.170 and 173 of No.136, Adambakkam Village, Tambaram Taluk, Kancheepuram District.

For Petitioner : Mr.S.Kamadevan

For Respondents 1 to 5 : Mr.U.Bharanidharan,
Additional Government Pleader

For Respondents 6 to 10 : Mr.R.Viduthalai,
Senior Counsel
for Mr.A.R.Balaji

For Respondent 11 : Mr.M.Raja

For Respondent 12 : Mr.K.Senthilkumar

COMMON ORDER

Since the relief sought in these writ petitions are one and the same, they are heard together and disposed of by way of a common order.

2. The grievance of the petitioners is that their lands were taken over by the Government under the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act 30 of 1963. In regard to this proceedings, the



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Revenue Authorities have issued different orders. This being the case, there was a dispute arisen between the parties concerned in regard to the property and one party is claiming that they obtained a Ryotwari patta before the Settlement Officer and the other party claimed that they owned a title and some of the parties have filed a Civil Suit before the Competent Civil Court for declaration and injunction suit and the petitioner in W.P.No.28274 of 2013 and the respondents in W.P.No.9907 of 2014 have filed an appeal before the Commissioner of Land Acquisition in respect of very same property. Challenging the aforesaid order issued by the Revenue Officials, the petitioners have filed these writ petitions.

3. Learned senior counsel for the petitioner in W.P.No.28274 of 2013 submitted that though very many grounds have been raised in these writ petitions, this Court, without going into the merits of the case may issue a direction to the Commissioner of Land Administration to decide the issue in between the parties.

4. The aforesaid submission made by the learned senior counsel for the



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petitioner in W.P.No.28274 of 2013 has been agreed by the learned counsel appearing for the petitioners as well as the respondents in other writ petitions.

5. Heard the learned counsel on either side and perused the materials placed before this Court.

6. In view of the consent expressed by the learned senior counsel as well as the counsels appearing for the parties, without expressing any opinion on the merits of the case, this Court is inclined to give direction to the Commissioner of Land Administration to decide the issue between the parties without influencing any of the observation made by the Revenue Officials by providing reasonable opportunity of hearing to all the parties concerned and pass appropriate orders on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order, till then, the parties are directed to maintain the *status quo*.

7. However, liberty is granted to the persons, who are not a party in these proceedings which is pending before the Commissioner of Land



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Administration for filing appropriate impleading petition. On such filing, the Commissioner of Land Administration is directed to implead them and provide an opportunity of hearing and pass appropriate orders.

8. With the aforesaid direction, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No

Speaking Order : Yes/No

To:

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2.The Assistant Settlement
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Chepauk, Chennai – 5.

3.The District Collector,
Collectorate,
Kanchipuram,
Kanchipuram District.

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4.The Commissioner and Director of Survey
and Settlement,
Survey House,
Chepauk, Chennai – 600 005.

5.The Settlement Officer,
Survey and Settlement Department,
Chepauk, Chennai – 600 005.

6.The Assistant Settlement Officer (North),
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7.Revenue Divisional Officer,
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Kanchipuram District.

8.Special Tahsildar,
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vm

9.The Tahsildar,
Revenue Department,
Alandur, Kanchipuram District,
Chennai – 600 016.

10.Town Surveyor,
Alandur Municipality,
Alandur, Kancheepuram District,



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Chennai – 600 016.

11. The Tahsildar,
Tambaram Taluk,
Kancheepuram District.

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