



W.P.No.19305 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P.No.19305 of 2022
and W.M.P.No.18564 of 2022

Saveetha Medical and Educational Trust,
Rep. by its President,
Dr.N.M.Veeraian

... Petitioner

Vs.

1. The Commissioner of Land Administration,
Chepauk,
Chennai - 600 005.

2. The Settlement Officer,
Tanjore.

3. The Assistant Settlement Officer,
Tiruvannamalai

... Respondents

Prayer : Writ Petition has filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, for calling for the records pertaining to the impugned order passed by the 1st respondent in Ref.No.K1/51523/2001, dated 03.07.2022 and quash the same.



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For Petitioner : Mr.A.R.L.Sundarassen, Senior Counsel
for Mr.P.Navaneetha Krishnan

For Respondents : Mr.J.Ravindaran
Additional Advocate General
Assisted by
Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition is filed seeking issuance of a Writ of Certiorari to call for the records pertaining to the impugned order passed by the 1st respondent in Ref.No.K1/51523/2001, dated 03.07.2022 and quash the same.

2. The case of the petitioner-Trust is that they purchased the property of an extent of 1.86 acres, comprised in Survey No.300/12A and 300/12B, situated at Mevalurkuppam Village, Sriperumpudur Taluk, Thiruvallur Taluk from three persons namely, one G.D.Ranga, Mangala Ranga and Subramaniam by way of a registered sale deeds, dated 28.12.1998 and 23.09.1999 respectively. Later, the petitioner-trust came to know that the said land was classified as "Anadheenam land". Therefore, the petitioner-Trust had applied for Ryotwari Patta in respect of the aforesaid property under the provisions of the Tamil Nadu Estates (Abolition and Conversion



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into Ryotwari) Act XXVI of 1948 before the Assistant Settlement Officer, Thiruvannamalai. After conducting field inspection in the subject property, the third respondent directed the Tahsildar to grant Patta in the name of the petitioner-trust, vide proceedings in Tha.Pa.Aaa./5/2001, dated 27.03.2001, pursuant to which, Ryotwari Patta was issued in favour of the petitioner-Trust and Revenue Records were also mutated in their name. Thereafter, the first respondent issued a notice to the petitioner-Trust in R.O.C.No.K1/51523/2001 on 13.03.2022, to submit their objections to the proposed suo-motu revision within 20 days. On receipt of the said notice, the petitioner-trust filed their objections on 17.05.2022. However, since the first respondent proceeded to conduct enquiry, the petitioner-Trust approached this Court by filing a petition in W.P.No.34515 of 2022 and this Court, vide order dated 22.02.2022, had disposed of the said writ petition and directed the petitioner to participate in the enquiry conducted by the first respondent and file a detailed objection within a period of four weeks. However, the first respondent, without conducting any enquiry and taking into account the said order of this Court, passed the order in Ref.No.K1/51523/2001, dated 03.07.2001 and directed the District Revenue Officer, Kancheepuram to restore the land back to the Government. Aggrieved by the same, the present



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petition has been filed.

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3. Learned counsel for the petitioner submitted that it is suffice if this Court, without interfering the order impugned in the Writ Petition, grant liberty to the petitioner to approach the Government to provide alternative land in terms of Revenue Standing Order 26 A. Paragraph 3 and 4 of the affidavit filed in support of this Writ Petition by the petitioner, which read as under:

“3. I respectfully submit that at the time of hearing of this writ petition, the petitioner suggested that petitioner would give alternative land to the government in lieu of the lands in respect of mentioned in the impugned order is passed, since the petitioner trust is running an educational institution in the property covered in the impugned order.

4. The petitioner submits that petitioner is willing to provide alternative land to the government as per guidelines contained in G.O.(Ms) No.201 issued by Revenue and Disaster Management Department, Land Disposal Wing, LD3 (1) Section dated 10.05.2022 and G.O.(Ms).No.117 issued by Revenue and Disaster



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Management Department, Land Disposal Wing, LD4 (1)
Section dated 18.03.2022 as well as the provisions of the
Revenue Standing Orders.”

Accordingly, he prays for appropriate orders in this Writ Petition.

4. Mr.J.Ravindaran, learned Additional Advocate General, assisted by Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents submitted that the petitioner has not applied for Patta within the time specified in G.O.Ms.No.714, Commercial Taxes & Religious Endowment Department, dated 29.06.1987 and the claim petition filed by the Trust is time-barred. He further submitted that the petitioner has not fulfilled the conditions laid down under Section 11(a) of the said Act-XXVI/48 of 1948 and that the petitioner has also not produced any document prior to 01.07.1945 to prove that the property in question is properly included in holding of the petitioner of his predecessors-in-title. Hence, he prays for dismissal of the petition.

5. Considering the limited relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the case and without interfering with the impugned order, grants liberty to the petitioner to



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approach the Government to provide alternative land in terms of Revenue Standing Order 26 A as per the affidavit extracted above.

6. With the above observations and liberty, this Writ Petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

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Speaking Order:Yes/No

Index:Yes/No

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