



W.P.(MD)Nos.3751 to 3756 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)Nos.3751 to 3756 of 2012

and

M.P(MD)Nos.1,1,1,1,1 and 1of 2012

R.Rajendran (Died)

Vasuki

... Petitioner

(Petitioner substituted as legal heir vide Court order, dated 16.06.2022 in W.M.P(MD)No.2525 of 2017 in W.P(MD)No.3751 of 2017)

Vs.

- 1.The Government of Tamil Nadu,
Represented by the Principal Secretary,
Department of Revenue Administration,
Fort St.George,
Chennai.
- 2.The Settlement Officer,
O/o, Commissioner of Land Survey and Settlement,
Chepauk, Chennai-5.
- 3.The Assistant Settlement Officer,
O/o, Commissioner of Land Survey and Settlement,
Chepauk, Chennai-5.

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4.The Chairman,
Tamil Nadu Housing Board,
Nandanam, Anna Salai,
Chennai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned order in O.Mu.E1/855/2012 dated 24.01.2012 on the file of the Respondent No.2 and quash the same as illegal and consequently direct the respondent No. 2 to provide patta in the name of the petitioner for the 1/6th of the total extent of 6.50 acres of land situated in survey No. 310/1 in Navalpattu Village, Thiruvarambur Taluk, Trichy District.

For Petitioner : Mr.S.Vasanth
for Mr.T.Lajapathi Roy

For Respondents : Mr.N.Muthu Vijayan
Special Government Pleader
for R1 to R3

Mr.M.Suresh
for R4



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COMMON ORDER

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These petitions have been filed challenging an order passed by the second respondent herein, under which the request of the petitioners for grant of settlement of patta under Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act 26 of 1948 (herein after referred as Tamil Nadu Act 26 of 1948) was rejected. The said rejection order has been passed on the ground that after 20.08.1987, the Settlement Officer do not have any jurisdiction to entertain such application.

2. The learned counsel for the petitioners submitted that in view of the G.O.Ms.No.1300, dated 30.04.1971, they are entitled to approach the Revenue Department for grant of patta and hence, they have made an application to the revenue authorities on 22.12.2008. According to the learned counsel for the petitioners, even if the second respondent has no jurisdiction to consider the request of the petitioner for grant of patta, the revenue authorities may be directed to consider their request for patta under G.O.Ms.No.1300, dated 30.04.1971.



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3. Per contra, the learned Special Government Pleader appearing for the official respondents had contended that the petitioners had filed O.S.No.292 of 1985 before the Subcourt, Trichirappalli seeking a decree for declaration that they are entitled to a decree for declaration that they are in possession of the disputed properties and sought for consequential decree for permanent injunction. The trial Court granted a decree as prayed for. The learned first additional District Judge, Trichirappalli has confirmed the decree with regard to permanent injunction, but dismissed the suit with regard to the prayer for declaration of title. Challenging the disallowed portion, the plaintiffs had filed S.A.No.1907 of 1991 before the High Court of Madras. The High Court of Madras by judgment and decree, dated 20.03.2003 has confirmed the dismissal of the suit with regard to the prayer for declaration of title.

4. The learned Special Government Pleader appearing for the official respondents had further contended that the ancestors of the petitioners herein had already filed an application seeking grant of patta under Tamil Nadu Act 26 of 1948 and the same was rejected on



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03.09.1976. Hence, the successors in title would not be entitled to file another application invoking G.O.Ms.No.1300, dated 30.04.1971. He further contended that after 20.08.1987, the second respondent office do not have any jurisdiction, whatsoever to entertain any application for grant of patta under Tamil Nadu Act 26 of 1948. Hence, he prayed for dismissal of the writ petition.

5. I have carefully considered the submissions made on either side.

6. Admittedly, the petitioners' ancestors in title had applied for grant of patta under Tamil Nadu Act 26 of 1948 and the same was rejected on 03.09.1976. A second attempt made by the petitioners' ancestors by way of civil suit which was also partly successful with regard to a decree for permanent injunction. Not being satisfied with the same, the petitioners have again made the third attempt before the second respondent herein seeking patta under Tamil Nadu Act 26 of 1948. However, as rightly pointed out in the impugned order, the second respondent office will not have any jurisdiction, whatsoever to entertain



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any application after 20.08.2987 for grant of patta. Hence, I do not find any illegality or infirmity in the order passed by the second respondent herein in refusing to entertain an application filed by the petitioners herein for grant of patta under Tamil Nadu Act 26 of 1948.

7. The learned counsel for the petitioners had pointed out that the Government has passed a G.O.Ms.No.1300, dated 30.04.1971 and contended that the petitioners are also entitled to approach the revenue authorities for grant of patta.

8. A careful perusal of the said Government Order indicates that any person, whose applications have been rejected under Tamil Nadu Act 26 of 1948 can also apply afresh under G.O.Ms.No.1300, if such persons have been in continuous possession and enjoyment of the land. In the present case, admittedly the first attempt made by the ancestors in title of the petitioners has been rejected on 03.09.1976. However, the learned counsel for the petitioners contended that still they are in continuous possession and enjoyment of the disputed properties. The



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decree for permanent injunction in favour of the petitioner confirms their possession. In such an event, the petitioners would be entitled to invoke the jurisdiction of the revenue authorities under the above said Government Order.

9. According to the learned counsel for the petitioners, they have presented an application on 22.12.2008 before Revenue Divisional Officer, Tiruchirapalli for grant of patta invoking G.O.Ms.No.1300, dated 30.04.1971. A report has also been forwarded by the Tahsildar to Revenue Divisional Officer. Thereafter, the said application has been forwarded by Revenue Divisional Officer to District Collector. However, the application is still pending and no orders have been passed. While confirming the impugned order, this Court is inclined to pass following orders:

The Revenue Divisional Officer, Trichirappalli
is hereby directed to consider the application made by the
writ petitioners on 22.12.2008 in the light of G.O.Ms.No.
1300, dated 30.04.1971 and the subsequent Government



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Orders covering the said issue as expeditiously as possible.

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10. All the Writ Petitions are disposed of on the above said terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

22.06.2022

Index : Yes / No
Internet : Yes / No
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To

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Chennai.
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5.The Revenue Divisional Officer,
Tiruchirapalli.



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R.VIJAYAKUMAR ,J.

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Order made in
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