



W.P.(MD)No.14749 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.(MD)No.14749 of 2021

and

W.M.P(MD) Nos.11676 & 11678 of 2021

1.Natarajan

2.Muthuraman

3.Boomi

4.Raja

5.Ganesan

6.Malaichamy

....Petitioners

Vs.

1.The Secretary to Government
Revenue Department,
Government of Tamilnadu,
Fort St.George,
Chennai - 600 009.

2.The Commissioner of Revenue and Land Administration,
Chepauk,
Chennai - 5.



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3.The District Collector
Sivagangai District.

4.The District Revenue Officer
Sivagangai.

5.The Revenue Divisional Officer
Sivagangai District.

6.The Tahsildar
Manamadurai Taluk,
Sivagangai District.

7.The Block Development Officer
Manamadurai Panchayat Union,
Manamadurai Taluk,
Sivagangai District.

8.The Village President
Kalkurichi Village Panchayat,
Seikalathur Revenue Group,
Manamadurai Taluk,
Sivagangai District.

9.Thayapuram Leprosy Hospital
Kalkurichi Village Seikalathur Revenue Group,
Manamadurai Taluk,
Sivagangai District.
Rep. by its Authorized Officer / Superintendent.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 3 to 6 herein to remove the encroachments and take re-possession of panchayat



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lands in whatever form held or sold by the 9th respondent to third parties in Survey Nos.135, 137, 138, 139, 140/2, 140/1 at Kalkurichi Village Seikalathur Revenue Group, Manamadurai Taluk, Sivagangai District, without title, belonging to the Government as well as panchayat at the cost of 9th respondent by cancelling patta and consequently forbear the respondents 1 to 5 herein from allowing the 9th respondent herein to make further encroachment of 5th respondent's panchayat lands Nos.135, 137, 138, 139, 140/1, 140/2 at Kalkurichi Village Panchayat, Seikalathur Revenue Group, Near Manamadurai, Sivagangai District, leaving the hospital.

For Petitioner : Mr.K.Appadurai
For Respondents : Mr.A.K.Manikkam - for R1 to R8
Special Government Pleader
: Mr.G.Prabhu Rajadurai - for R9
for Mr.M.P.Senthil

ORDER

[Order of the Court was made by **P.N.PRAKASH, J.**]

Alleging that the 9th respondent has encroached into Survey Nos.135, 137, 138, 139, 140/2 and 140/1 in Kalkurichi Village,



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Seikalathur Revenue Group, Manamadurai Taluk, Sivagangai District, this Public Interest Litigation has been filed for a direction to the Revenue Authorities to cancel the patta and reclaim the lands from the possession of the 9th respondent.

2. Heard Mr.K.Appadurai, learned counsel appearing for the petitioner, Mr.A.K.Manikkam, learned Special Government Pleader appearing for the respondents 1 to 8 and Mr.Prabhu Rajadurai, learned counsel for Mr.M.P.Senthil learned counsel appearing for the 9th respondent.

3. The learned counsel for the petitioner contended that the 9th respondent has been wrongly issued patta inasmuch as in the Old Settlement Register, Survey No.140 has been shown as “Sarkar Tharisu” and therefore, the 9th respondent has manipulated the revenue records and encroached upon the said lands.

4. Even according to the petitioner, the 9th respondent has been issued with patta and such a patta cannot be cancelled in a Public Interest



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Litigation. When we brought this to the notice of the learned counsel for the petitioner, he submitted that the 9th respondent has obtained orders in violation of the Patta Pass Book Act.

5. Today, Mr.R.Alagu, Senior Revenue Inspector, Taluk Office, Manamadurai Taluk, is present before this Court, with the revenue records.

6. The Old Settlement Register shows that Survey No.140/1 is a Government land. Therefore, the 9th respondent submitted a petition to the Director of Survey and Settlement, Chennai, for rectification of the said entry in the revenue records by contending that the entire land in Survey No.140 was given to the 9th respondent by way of Ryotwari patta under Section 18(4) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 and therefore, the said entry in the Settlement Register requires to be rectified. After conducting due enquiries, the Director of Town Survey and Settlements, Madras, by order, dated 06.08.1979, has held as under :

*"The main contentions of the claimant
herein are that the Old S.No.140 is a ryoti patta*



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land included in Zamin patta before the taking over of the estate, that there are hospital, dispensary, Office, Church, Care takers' quarters, provision stores and assembly hall in S.No.140/I that the buildings are very old ones, constructed before taking over of the Estate, that the foundation stones are of the years 1929-1930, 1934 and 1936 for the various buildings and that therefore patta granted for the entire extent of 39.60 acres covered by S.No.140.

I have perused the connected records. The inspection report of the District Revenue Officer and that of the Settlement Deputy Tahsildar form part of the case file. There is no dispute in regard to the correlation of the suit land to O.S.No.140 and its classification as patta dry in old patta No.46 before the taking over of the Estate. It is evident from the records that the entire S.No.140 is one unit where the buildings belonging to the Dayapuram Leprosy Hospital are situated. It is also in evidence that all these buildings existed long prior to the taking over of the Estate and that therefore the claim attracts section 18(4) of the Abolition Act. In these circumstances, I hereby set aside the existing registry of the suit land and allow ryotwari patta



in favour of the Superintendent, Dayapuram Leprosy Hospital. In the result the Revision Petition is allowed."

7. Subsequently, on the application made by some villagers of Kallkurichi Village, the District Revenue Officer, by his proceedings dated 01.10.2012, cancelled the patta in respect of Survey Nos.139 and 140/1 that was issued to the 9th respondent. Aggrieved by that, the 9th respondent filed a revision petition before the Principal Secretary and Commissioner of Land Administration, Chennai, in which, by order dated 03.10.2013, the earlier order, dated 01.10.2012, passed by the District Revenue Officer, Sivagangai, was set aside. It may be pertinent to extract paragraph Nos.12 and 13 of the order, dated 03.10.2013 passed by the Principal Secretary and Commissioner of Land Administration, Chennai, which reads as under:

"12. As regards the Suit lands in S.No 139 and 140/1, the original file of Director of Survey and Settlement was traced out based on the entries in the SLR copy received from the Collectorate. It is verified from the file that the Director pf Survey and Settlement, in RP.No 116/1979, issued an order



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dated 6.8.1979, allowing patta under section 18(4) of the Act XXVI of 1948 in favor of the Superintendent, Dayapuram Hospital for S.No 140/1. As regards S.No 139, the original handwritten SLR copy found in the file of Director of Survey and Settlement shows that the land was already recorded as Ryoti Punjai fir.u) and registered in the name of Dayapuram Hospital Superintendent which has been mistakenly printed as Government Dry (r/g], in the Settlement 'A' register, which however shows the ownership As above' (b&) in favour of the Dayapuram Hospital. The District Revenue Officer has not called for or verified the file of the Director of Survey and Settlement after perusing the entries in in the original SLR. He has therefore concluded that Patta was wrongly granted in the name of Dayapuram Hospital and misconstrued the issue of patta to the Superintendent, Dayapuram Hospital for S Nos 139 and 140/1 as an Updating Registry Scheme error. It is also noted that the District Revenue Officer has passed the orders only in respect of S.No's 139 and 140/1, though the original claim of the respondents in their petition before the District Revenue Officer (to which they have now enlarged their claim in their present arguments) is in respect of S.Nos



135,137 and 138 only. The ownership of these lands by the Superintendent, Dayapuram Hospital is clearly established by the Settlement Records and not disputed in the order of the District Revenue Officer. Hence the claim of the respondents for these lands deserves no consideration.

13. In view of the discussions supra, the order passed by the District Revenue Officer, Sivagangai in Proceedings 84/24486/2012, dated 1.10.2012 is hereby set aside. Accordingly the Revision Petition is allowed."

8. Challenging this order, five villagers filed W.P.(MD) No.2047 of 2018 and the same was dismissed as withdrawn on 22.01.2021. In spite of the overwhelming materials to show that the said lands were given to the 9th respondent under the Ryotwari Patta, the present Public Interest Litigation has been filed, which is clearly an abuse of law and it requires to be dismissed with exemplary costs.

9. In the result, this writ petition is dismissed with costs of Rs.25,000/- (Rupees Twenty Five Thousand only) payable by the petitioner, to the Gandhi Memorial Museum, bearing Account



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No.6479518195, IFSC Code: IDIB000T03, Indian Bank, Tallakulam Branch, Madurai, within a period of two weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

10. Post the matter on 23.09.2022, “for reporting compliance”.

[P.N.P.,J.] & [R.H.,J.]
26.08.2022

Index : Yes/No
Internet : Yes/No
RM



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Copy to:

- 1.The Gandhi Museum,
Tamukkam,
Madurai - 625 020.
- 2.The Secretary to Government
Revenue Department,
Government of Tamilnadu,
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P.N.PRAKASH, J.

and

R.HEMALATHA, J.

RM

ORDER MADE IN

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