



W.P.No.1880 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.1880 of 2021

Pappamma

... Petitioner

Vs.

1. The Additional Chief Secretary,
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai-600 005.
2. The Principal Commissioner,
Survey and Settlement,
Ezhilagam,
Chennai-600 005.
3. The Assistant Settlement Officer (South),
Chepauk, Chennai-600 005.
4. The District Collector,
Krishnagiri District.
5. The Tahsildar,
Hosur, Krishngiri Distirct.
6. V.Narayanasamy

... Respondents

(R-6 impleaded vide order dated 24/6/2021 made in WMP.8917/2021 in WP.1880/2021 by VBDJ)



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Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified mandamus, calling for records of the 3rd Respondent passed in Rc.G2/1213/2019 dated 18.12.2020, quash the same and consequently direct the Respondents to issue patta in favour of the petitioner in respect of land to an extent of 0.70.5 Hectares (1.74 acres) comprised in Survey No.21/2, situated at Kanupalli village, Hosur taluk, Krishnagiri District within the time to be stipulated by this Honble Court.

For Petitioner	: Mr.R.Bharath Kumar
For Respondents	:
(for R1 to R5)	: Mr.T.Arun Kumar, AGP
(for R6)	: Mr.N.C.Thirumalai Balaji

ORDER

The proceedings of the Assistant Settlement Officer (South Chennai) dated 18.12.2020 is sought to be quashed in the present writ petition.

2.The petitioner states that she is the absolute owner of the subject property more fully described in the writ proceedings. Patta was granted in the name of her mother Subbamma in respect of Survey No.21/1. But in respect of Survey No.21/2, it was wrongly classified as “Paathai



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Poromboke” that is pathway Poromboke. The petitioner states that the family was not aware of the mistake committed by the revenue authorities.

The petitioner submitted a detailed representation on 04.02.2019 to rectify the error and to grant patta in her favour. No order was passed. Thus, the petitioner filed WP.No.12113 of 2019 and this Court, by an order dated 26.04.2019, directed the third respondent therein to consider the representation submitted by the petitioner and pass appropriate orders.

3.Pursuant to the directions, the impugned orders has been passed on 18.12.2020. The learned counsel for the petitioner mainly contended that the petitioner is the absolute owner of the subject property and the wrong entry made by the revenue authorities in the patta passbook is to be deleted based on the application submitted by the writ petitioner. With reference to the said claim, the Assistant Settlement Officer adjudicated the issues and on verification of the revenue records made a finding that the subject land is classified as “Paathai Poromboke” and more so, nearby the pathway, a burial ground is available. That apart, the petitioner has not filed any appropriate application for grant of patta under the provisions of the State Abolition Act, 1948. Thereafter, the Government also issued G.O.Ms.No.714, C.T. and R.E. Department dated 29.06.1987. The



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application submitted within the cut-off date of 29.06.1987 was considered to grant patta. Since the petitioner had submitted the application after the cut-off date, that is 04.12.2019, the application was rejected.

4.The Assistant settlement Officer in his counter has stated that as per Section 10(1) of the Act XXVI of 1948, the landholder of an under-tenure estate or any other person interested, may, within three months from the notified date, or such further times (not exceeding 2 months) as the appropriate Settlement Officer, may, in his discretion allow, apply to him for a decision as to whether such estate was created before or after the date on which the principal estate was permanently settled. As per section 10(3)(a) against a decision of the Settlement Officer under sub-section (2), the Government may, within one year from the commencement of the [Tamil Nadu] Estate (Abolition and Conversion into Ryotwari) Amendment Act, 1954, or from the date of the decision, whichever is later, and any person aggrieved by such decision may, within two months from the said date, appeal to the Tribunal. Provided that the Tribunal may, in its discretion, allow further time not exceeding six months from the filing of any such appeal. As per section 10(3)(b) of the said Act, the decision of the Tribunal on any such appeal shall be final and not be liable



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to be questioned in any Court of Law. As per Section 10(4) of the said Act, unless the Settlement Officer, or where there is an appeal, the Tribunal decides that an under-tenure estate was created before the date on which the principal estate was permanently settled, it shall be regarded for the purpose of this Act as having been created after that date.

5. Therefore, after the cut-off date, that is 29.6.1987, no such claim for patta can be made and therefore, this Court does not find any infirmity in respect of the order impugned passed by the Assistant Settlement Officer which is otherwise in consonance with the provisions of the Estate Abolition Act.

6. Accordingly, the writ petition stands **dismissed**. No costs.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

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S.M.SUBRAMANIAM. J.,

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