



W.P.No.14179 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.14179 of 2013

and

M.P.No.1 of 2013

G.Das and Co. Pvt. Ltd,
(presently merged with M/s.ESCEE Infrastructure Pvt. Ltd,
As per order dated 29.06.2010 passed by the Hon'ble High Court,
Culcutta in Company Petition No.95 of 2010)
46, New Colony, Tuticorin.

...Petitioner

-Vs-

1. The Commissioner and Secretary to Government,
Revenue Department,
Government of Tami Nadu,
Fort St. George,
Chennai - 600009.
- 2.The Special Commissioner & Commissioner
for Land Administration, Ezhilagam,
Chepauk, Chennai - 600005.
- 3.The Special Commissioner and
Director of Survey and Settlement
Chepauk,
Chennai - 600005.
- 4.The District Collector,
Tuticorin District,
Tuticorin.



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5.The Settlement Officer, Ezhilagam,
Chepauk, Chennai - 600005.

6.The Tahsildar,
Vilathikulam Taluk,
Vilathikulam,
Tuticorin District

...Respondents

Prayer:- Writ petition filed under Article 227 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the entire records of the first respondent in connection with the GO.(MS).No. 256 Revenue [SS-1(2)] Department dated 10/07/2012 quash the same consequently direct the Respondents to restore patta No.207 in respect of S.No.14 of Periyasampuram Village, Vilathikulam Taluk, Tuticorin District, to an extent of 17.05 acres and pass further order or other orders as this Hon'ble Court may deem fit and proper.

For Petitioner : Mr.R.Venkataraman

For Respondent : Mr.Arunkumar, AGP for [R.1 to 6]

ORDER

The order issued in GOMS.No.256 Review Department dated 10.07.2012, is under challenge in the present writ petition. The petitioner is G.Das and Company Private Limited registered under the Companies Act 1956.



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2.The petitioner company purchased from DAM Anthony Muthu Nadar and other vacant Land measuring 17.05 Acres, comprised in Survey No.14 of Periasampuram village, along with lands in survey Nos.1 and 2 as a compact block for laying salt pans for its salt industry, for a valid consideration.

3.The petitioner states that the lands purchased by them was ryoti in nature ever since 1907, and ever since 1907 ryotwari patta was issued to the predecessors in title of the petitioners due to their long period of five decades of possession and under enjoyment and the land. Therefore, the predecessors are entitled to get ryotwari patta and to be transferred the patta in the name of the petitioner under the provisions of the Tamil Nadu Estates (Abolition and Conversion to Ryotwari) Act 1948, by the Settlement Officer, Palayamkottai, after conducting the detailed inquiry.

4.The grievances of the writ petitioner is that matter went up to the government and the government, without considering the fact that the petitioner company is entitled for the ryotwari patta, rejected the same by stating that the subject property was classified as “Akkuwarpatti Kanmoi”



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at the time of taking over the estate and therefore the ryotwari patta cannot be granted under the said act.

5.The learned Additional Government Pleader, appearing on behalf of the respondents brought to the notice of this Court that once the classification of the land is Oorani or water body, or Kanmoi, then the authorities cannot issue ryotwari patta under the provisions of the Tamil Nadu Estates (Abolition and Conversion to Ryotwari) Act 1948. In the present case, even as per the findings of the competent authorities based on the inspection conducted, it is classified as “Akkuwarpatti Kanmoi” at the time of taking over of the estate and therefore, it is a water body and thus, the ryotwari patta cannot be granted .

6.In this regard, Section 14 (A) of the Act enumerates as follows :

“14A. Ryotwari patta not to be granted in respect of private tank or oorani. -

(1) Notwithstanding anything contained in this Act, no ryotwari patta shall be granted in respect of any private tank or oorani.

(2) Any ryotwari patta granted in respect of any private tank or oorani under this Act before the date of the publication of



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the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1974, in the Tamil Nadu Government Gazette, shall stand cancelled, and for purposes of compensation under this Act, the private tank or oorani shall be deemed to be land in respect of which neither the landholder nor any other person is entitled to ryotwari patta under this Act.”

The above provision was inserted by Tamil Nadu Act 49 of 1974 and the effect was given retrospective to the Act.

7.That being the factum, the ryotwari patta, even if granted, is to be cancelled in order to protect the water bodies across the state of Tamil Nadu. In view of Section 14 (A) of the Act, the petitioner is not entitled to have ryotwari patta and therefore, this Court do not find any infirmity or perversity in respect of the orders impugned passed by the respondents.

8.Accordingly, writ petition stands **dismissed**. No costs.
Consequently, connected miscellaneous petition is closed.

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

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S.M.SUBRAMANIAM. J.,

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