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W.A.No.2089 of 2023 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.Nos.2089, 2090, 2092, 2094, 2095, 2096, 2098, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2110, 2112, 2113, 2114, 2115, 2116, 2117, 2118 & 2119 of 2023

W.A.No.2089 of 2023:

1. THE TAHSILDAR

Taluk Office, Tambaram,
Chengalpet District.

2. THE ASSISTANT SETTLEMENT OFFICER (NORTH)

O/o. Principal Secretary and
Commissioner of Land Survey and Settlement,
Chepauk, Chennai - 600005.

.. Appellants

Vs

D.R.PRABIN RUFUS

.. Respondent

and batch cases

For the Appellants

: Mr.J.Ravindran
Additional Advocate General
assisted by Mr.U.Bharanidharan
Addl. Government Pleader



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For the Respondent : Mr.AR.L.Sundaresan
in all writ appeals, Senior Counsel
except W.A.No.2117 of for Mr.J.A.S.Sathish Kumar
2023

COMMON JUDGMENT
(Delivered by the Hon'ble Chief Justice)

We have heard Mr.J.Ravindran, learned Additional Advocate General, assisted by Mr.U.Bharanidharan, learned Additional Government Pleader, for the appellants; and Mr.AR.L.Sundaresan, learned Senior Counsel for the respondent in all the writ appeals, except W.A.No.2117 of 2023.

2. The present respondents/original writ petitioners have filed writ petitions before the learned Single Judge, thereby challenging the order passed by the authority rejecting their applications for grant of patta. The original petitioners further sought directions to issue sub-division pattas.

3. It is not disputed that patta was granted to the predecessor-in-title of the original petitioners. The original



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petitioners had filed applications for grant of pattas. The same was rejected. The learned Single Judge allowed the writ petitions directing the authorities to grant patta in favour of the original petitioners, as detailed in the impugned order. Aggrieved thereby, the State has filed the present appeals.

4.1. Mr.J.Ravindran, learned Additional Advocate General for the appellants, submits that the lands in Survey Nos.11/1A, 11/2, 11/3 and 11/4 were classified as "Government Dry lands" and "Government Manavari". It had the remark "Anadeenam". The said notification issued on 12.3.1965 became final. Subsequently, the said lands, under the order dated 31.1.1969, were declared as "Anadeenam". The said order became final, as the said order was never questioned before any court.

4.2. It is further submitted that, in the year 2010, one Tmt.Maujini Chella, wife of David Wilson, applied for patta and the petition was dismissed by the Assistant Settlement Officer (North) under the order dated 27.12.2010. Against the same, she filed writ



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petition before this court bearing W.P.No.10485 of 2011. This court, under order dated 25.4.2011, set aside the order dismissing the application filed by Tmt.Maujini Chella and directed to afford an opportunity of hearing and dispose of the said petition on merits. On 23.9.2011, the Assistant Settlement Officer (North) took up the matter and passed order issuing patta under Sections 9(1)(a) and 12 of the Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963 [for brevity, "*the Act of 1963*"]

4.3. It is also submitted that Tmt.Maujini Chella filed a writ petition, bearing W.P.No.32687 of 2012, for mutating the name in the revenue records and issuance of patta. This court, under order dated 14.12.2012, directed to mutate the name in the revenue records and issue patta.

4.4. Learned Additional Advocate General submits that the State has already filed C.M.P. No.SR 131 of 2023 before the Sub Court, Chengalpattu, against the order of the Assistant Settlement Officer dated 23.9.2011 and the same is pending.



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5.1. Mr.AR.L.Sundaresan, learned Senior Counsel for the respondents in all the appeals except W.A.No. 2117 of 2023, submits that the order dated 23.9.2011 passed by the Assistant Settlement Officer directing to issue patta to the predecessor-in-title of the original petitioners has become final. The order of this court in W.P.No.32687 of 2012, dated 14.12.2012 only directed to implement the order of the Assistant Settlement Officer dated 23.9.2011 and pursuant thereto the name of the predecessor-in-title was mutated in the revenue records. The parts of the land were carved out pursuant to the layout and the plots were sold to the original petitioners. Naturally, the original petitioners would be entitled to patta, as they have derived valid title from the predecessor-in-title.

5.2. It is further submitted that C.MP.No.SR131 of 2023 filed by the State before the Sub Court, Chengalpattu, against the order of the Assistant Settlement Officer dated 23.9.2011 after 12 years would not be maintainable.



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6. We have considered the submissions canvassed by learned counsel for the parties.

7. With regard to the right, title or interest, the finding of the civil court binds one and all, of course in a validly instituted civil suit. There is no dispute that, under dated 23.9.2011, the Assistant Settlement Officer took up the matter and passed an order issuing patta in favour of the predecessor-in-title of the petitioners under Sections 9(1)(a) and 12 of the Act of 1963. The said order is not assailed. The order of this court in W.P.No.32687 of 2012, dated 14.12.2012 merely directs to implement the order of the Assistant Settlement Officer dated 23.9.2011 directing issuance of patta in favour of the predecessor-in-title of the original petitioners.

8. Learned Additional Advocate General submits that the State would challenge the order passed by this court dated 14.12.2012 in W.P.No.32687 of 2012. The challenge to the said order may not serve any purpose for the reason that this court, under the order



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dated 14.12.2012 in W.P.No.32687 of 2012, only directed to implement the order of the Assistant Settlement Officer dated 23.9.2011 passed under Sections 9(1)(a) and 12 of the Act of 1963, which directs issuance of patta in favour of the predecessor-in-title of the original petitioners. The order dated 23.9.2011 passed by the Assistant Settlement Officer has not been assailed by the State authorities and the same had become final.

9. In the light of that, we do not find any error committed by the learned Single Judge while deciding the writ petitions.

10. It is submitted by learned Additional Advocate General that now the State has filed C.M.P.No.SR 131 of 2023 before the Sub Court, Chengalpattu, against the order of the Assistant Settlement Officer dated 23.9.2011 directing issuance of patta in favour of the predecessor-in-title of the original petitioners. In case the said proceedings are maintainable before the Sub Judge, then the appellants herein may prosecute that application in accordance with law. In that event, all the contentions of the appellants as well



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as the original writ petitioners are kept open.

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The writ appeals are disposed of accordingly. There will be no order as to costs. Consequently, C.M.P.Nos.17901, 17902, 19711, 17913, 17915, 17918, 17928, 17927, 17929, 17931, 17939, 17941, 17950, 17946, 17953, 17954, 17957, 17955, 17983, 17956, 17962, 17963, 17965, 17966, 17981, 17980, 17971, 17974, 17975, 17973, 17979, 17978, 17989, 17987, 17995, 17996, 17998, 18001, 18000, 18009, 18011, 18012, 18013, 18017, 18016, 18024, 18021, 18035 and 18034 of 2023 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
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D.BHARATHA CHAKRAVARTHY,J.

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