



W.P.No.5747 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.5747 of 2020

B.Vaidyanathan

... Petitioner

Vs.

1. The Principal Commissioner,
Survey and Settlement Department,
Government of Tamil Nadu,
Survey House, Chepauk,
Chennai-600005.
2. The Additional Chief Secretary and
Commissioner of Land Administration,
Government of Tamil Nadu,
Ezhilagam, Chepauk,
Chennai-600005.
3. The Director of Survey and Settlement,
Survey and Settlement Department,
Government of Tamil Nadu,
Survey House, Chepauk
Chennai 600005.
4. The District Collector of Kanchipuram,
Collectorate, Kanchipuram-631501.



W.P.No.5747 of 2020

5. The Revenue Divisional Officer,
South Chennai Revenue Division,
Adjacent to Dr. M.G.R. Medical University,
Above Guindy Taluk Office,
Guindy, Chennai-600032

6. The Tahsildar/ Sholinganallur,
No.3, First Street Kumaran Nagar,
Rajiv Gandhi Salai, Sholinganallur,
Chennai-600119.

7. The Inspector General of Registration,
Santhome, Chennai-600028.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified mandamus, calling for the entire records of the 2nd respondent under Proceedings No. K4/ 19587/ /2018 including the Order dated 24.12.2019 and quash the same and direct respondents 1 to 6 to grant Patta to the Petitioner in respect of the plots bearing Nos. 8 and 9, 6th Street, Mahalakshmi Nagar, Madipakkam, Chennai-600091, of an extent of 2400 sq.ft. Each, totaling to 4,800 square feet or thereabouts, comprised in Survey No.155/5 Part of Madipakkam Village.

For Petitioner	: Mr.Om Prakash, Senior Counsel for Mr.A.Ilangovan
For Respondents (for R1 to R7)	: : Mr.S.Ravichandran, AGP



W.P.No.5747 of 2020

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ORDER

The proceedings of the Additional Chief Secretary/ Commissioner of Land Administration, Chepauk, Chennai, dated 24.12.2019 is sought to be quashed in the present writ petition.

2.The petitioner states that he is an absolute owner of the plots bearing nos.8 & 9, 6th street, Mahalakshmi Nagar, Madipakkam, Chennai-91, of an extent of 2400 sq.ft each, totalling to 4,800 sq.ft. or thereabouts, comprised in Survey No.155/5 Part of Madipakkam Village.

3.Lands of an extent of 2 acres and 34 cents originally comprised in Paimash Nos.260, 261 & 270 of No.154, Madipakkam Village, were owned and possessed by one Mr.Srinivasa Mudaliar. He purchased the same along with another extent of land under a Deed of Sale dated 11.11.1946, registered on 17.12.1946, as Document No.2423, in the Office of the Sub-Registrar, Pallavaram. The petitioner narrates the sequence of facts to establish his title.



W.P.No.5747 of 2020

4.The grievances of the writ petitioner is that he filed an application for grant of patta and the authorities competent have not considered the application. Thus, the petitioner has filed a writ petition in W.P.No.28944/2018 and this Court passed an order on 01.11.2018, directing the Commissioner of Land Administration to consider the representation submitted by the writ petitioner dated 21.8.2018 and pass appropriate orders on merits and in accordance with law within a period of 8 weeks of the passing of the order.

5.Pursuant to the directions issued by this Court, the Commissioner of Land Administration had undertaken the process of enquiry and the petitioner was afforded with an opportunity to put forth their case along with the documents. The Commissioner elaborately considered the issues and made a finding that the petitioner, Mr.B.Vaidyanathan's main contention is that out of the total extent of 2 acres 34 cents, a portion of the land to an extent of 40 cents shown to be presently comprised in Sub-Divisional Survey No.155/2A1A, stands in the name of Mrs.Saraswathy Ammal in the revenue records even today. When the total extent of 2.34 acres was owned by Mrs.Saraswathy Ammal and 40 cents is still entered in her name in the revenue records, it is not known as to how the remaining



W.P.No.5747 of 2020

extent of 1 acre and 94 cents, which has been sold as plots to various persons, can be classified as 'Nanjai Anadeenam'.

6. With reference to the contentions raised by the petitioner as stated above, the Commissioner for Land Administration scrutinised various documents which all are referred in the impugned order. After verifying all those documents, the Commissioner made a finding that neither the petitioner herein nor his ancestors did file any appeal under the Act. Also they did not come forward to get patta outside the scope of the abolition Act. Therefore, the orders passed as to the notification becomes final as per the Section 64(c)(1) of the Act. After settlement, another resurvey work under UDR scheme had also been implemented in this village in the year 1987. Even in this scheme, the said land continues to be “Government-wet-Anadeenam”

7. Subsequently, through office circular dated 11.12.2019, Inspector General of Registration has been requested to continue with the Anadeenam lands work which is in process and progress in coordination with the National Informatics Centre and Director of Survey and Settlement. Finally the Government by Commercial Taxes and Religious



W.P.No.5747 of 2020

Endowments Department, dated 29.06.1987, fixed the time limit as 20.8.1987 and beyond that, no authority in the settlement hierarchy have any power to condone the delay and entertain any belated application of grant of patta.

8.This being the consideration deliberated by the Commissioner for Land Administration, this Court is of the considered opinion that no further interference is required in view of the abolition of the Act and more specifically after fixing the time limit for submitting an application for grant of patta. Now after this length of time, this Court cannot direct the authorities to consider the claim of the petitioner for grant of patta. The subject land, as per the findings of the Commissioner, continues to be Government-wet-Anadeenam land.

9.The learned Additional Government Pleader brought to the notice of this Court that the subject property has already been taken over by the Government on 01.10.1951 itself under the provisions of the Tamil Nadu Estate Abolition Act. That apart, it is evident from G.O.Ms.No.714 dated 29.6.1987, under Section 11(a) of the Act, the cut-off date for applying for the ryotwari patta was fixed as 20.08.1987. Once the cut-off date has been



W.P.No.5747 of 2020

fixed, the petitioner has no right to apply for patta, that too in the year 2018. Once the cut-off date has been fixed, the petitioner has no right to apply for patta and there is no provision or authority to condone the delay.

10.This being the factum, if at all, the petitioner is of an opinion that they hold valid title or documents or other relevant documents, they will have no option but to approach the competent Civil Court of law for the purpose of redressal of their grievances in the manner know to law.

11.With these observations, 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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