



WEB COPY

WP No.6512 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-06-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.6512 of 2022

And

WMP No.6590 of 2022

- 1.C.Poongavanam
- 2.C.Panneerselvam
- 3.C.Munusamy
- 4.C.Ravi
- 5.B.Kasthuri
- 6.C.Ramesh
- 7.C.Kumar
- 8.L.Eswari

... Petitioners

Vs.

- 1.The Principal Secretary and Commissioner
of Land Administration,
Ezhilagam,
Chepauk,
Chennai-600 005.
- 2.The District Collector,
Thiruvallur District.
- 3.The Revenue Divisional Officer,
Ponneri.



4.The Tahildar,
Ponneri.

5.S.Viswanathan

6.Padianallur Ooratchi Grama Makkal Pothu
Nala Sangam, Represented by its President,
Mr.S.Innasi, No.4/707A, Sri Venkateswara
Complex, Mahalakshmi Nagar Service Road,
Padianallur, Red Hills,
Chennai-600 052.

7.P.Mariappan

8.M.Mahaveerchand

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records, relating to the order dated 24.02.2022 in his proceedings No.K1/17929/2009, on the file of the first respondent and quashing the same as null and void.

For Petitioner : Mr.A.Saravanan

For Respondents-1 to 4 : Mr.D.Ravichander,
Special Government Pleader.

For Respondent-5 : Ms.G.Daisy John

For Respondent-6 : Ms.P.Bhuvaneswari

For Respondent-7 : No Appearance

For Respondent-8 : Mr.N.Nagu Sah



ORDER

The writ on hand has been instituted questioning the validity of the order dated 04.12.2022 passed by the first respondent declining the request of the writ petitioners for grant of patta in respect of the subject property.

2. The Petitioners, by narrating certain facts, claim that the subject property belongs to them. In other words, the petitioners claim title over the subject property. The petitioners made an application for grant of patta, which was granted initially by the Original Authority and on appeal, patta proceedings were set aside by the Appellate Authority.

3. The matter went before the Principal Secretary and Commissioner of Land Administration, who in turn passed an order confirming the order of the Appellate Authority setting aside the patta granted against the petitioners.

4. The order of the Original Authority granting patta was set aside mainly on the ground as stated in paragraph-19 of the counter-



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affidavit filed by the respondents, which reads as under:-

“19. In the conclusion, it is submitted that the petitioners' claim is based only on the illegal/irregular orders passed by the Assistant Settlement Officer, Tiruvannamalai. As regards the said orders of the Assistant Settlement Officer, Tiruvannamalai passed in D.Dis.E1/14820/98 dated 11.07.2000 and earlier order E1/113/98 dated 26.03.1998, the fact remains that the said ASO's power was transferred to the Revenue Divisional Officer concerned as per G.O.Ms.No.693 dated 24.07.1997. Therefore, the orders of the Assistant Settlement Officers' were passed without jurisdiction and has no legal sanctity and unsustainable in the eye of law. Moreover, the said order files of the Assistant Settlement Officer are also not available either in the Settlement Officer, Chennai-5 or in the Collectorate, Tiruvallur. It clearly proves that the orders of the Assistant Settlement Officer are fabricated one. It is also to be noted that the petitioners filed an appeal against the orders of the District Revenue Officer, Tiruvallur passed in Roc.No.M2/30079/1998 dated 05.02.2000 before the Special Commissioner and Commissioner of



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Land Administration on 04.04.2000 and they cannot move any lower Forum for remedy against the District Revenue Officer's order. If it is so, how the petitioners moved the Assistant Settlement Officer on 21.03.2000 and got orders in their favour has not been explained. Even, as per the Special Commissioner and Commissioner of Land Administration's order dated 16.02.2001, the claimants had not proved their title before the Revenue Divisional Officer, Ponneri. But strangely they have moved the Hon'ble High Court of Madras against the Hon'ble High Court of Madras against the SC and CLA's order and stated that a proceeding is pending with the Revenue Divisional Officer, Ponneri. However, there is no such proceedings pending with the Revenue Divisional Officer, Ponneri cannot continue the same as the Hon'ble High Court of Madras set aside the orders of the Special Commissioner and Commissioner of Land Administration, who is the highest authority in the hierarchy to look after the matter and pass necessary orders. As such the contentions of the petitioners set out in the grounds in para-21 of the Affidavit cannot be accepted and liable to be



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rejected.”

5. The impugned order passed by the Commissioner of Land Administration in proceedings dated 24.02.2022 reveals that the petitioners have not produced the Sale Deed pertaining to the subject property and more-so, an elaborate adjudication was done with reference to the documents and evidences available on record. The Commissioner of Land Administration finally arrived a conclusion that the subject property belongs to the Government and it is a rated Government poramboke vacant village cited in the revenue records.

6. As per the revenue records the subject property is classified as Government poramboke. Therefore, the petitioner, if at all claims title, has to approach the Civil Court. In the earlier civil suit, permanent injunction filed by Tvl.Chandran and Mariappan was decreed. However, the said decree is not binding on the Government Authorities, since it is a decree granted in personam, which cannot operate against the Government Authorities. Thus the order of the Commissioner of Land Administration passed classifying the land as Government poramboke, cannot be interfered



with. If at all the petitioners are aggrieved, they are at liberty to approach the Competent Civil Court of Law for the purpose of establishing their title and ownership through documents and evidences available on record.

7. This Court cannot conduct any roving enquiry in respect of the title dispute and more-so, the Commissioner of Land Administration has elaborately considered the documents as well as the facts placed between the parties.

8. This being the factum, the present writ petition is devoid of merits and it stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

02-06-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

S.M.SUBRAMANIAM, J.



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To

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