



W.P.No.11781 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.11781 of 2023

C.Dhamodaran

... Petitioner

Vs.

1. The Commissioner of Land Administration,
Chepauk, Chennai 600 005.

2. The District collector
Krishnagiri Distirct, Krishnagiri.

3. The District Revenue officer,
Krishnagiri Distirct, Krishnagiri.

4. Chekkaralappa
S/o.Jinjiappa

5.Chinna Muniappa

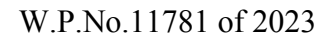
6.Peria Muniappa

7. Chekkaralappa
S/o.Dubaliappa

8.periamaligappa

... 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



For Petitioner	: Mr.R.Bharath Kumar
For Respondents (for R1 to R3)	: Mr.G.Krishna Raja, Additional Government Pleader
(for R4)	: Mr.V.R.Anna Gandhi
(for R5 & R6)	: Deceased
(for R7 & R8)	: No Appearance

The order passed by the Commissioner of Land Administration, Chennai, in proceeding dated 20.04.2022, is under challenge in the present writ petition. It is not in dispute that the writ petitioner, S/o.late Chekkaraleppa, filed an Appeal Petition, challenging the order passed by the District Revenue Officer Krishnagiri.

<https://www.mhc.tn.gov.in/judis>
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Ryotwari) Act XXVI of 1948, in respect of the lands in S.F.No.179/2,

179/3 and 190/1, measuring a total extent of 5.84 acres at Angondapalli

Village Soolagiri Taluk, Krishnagiri District. The application filed by the

petitioner for grant of ryotwari patta was initially rejected by the District

Revenue Officer, Krishnagiri, and therefore, the petitioner preferred an

appeal before the Commissioner of Land Administration. The

Commissioner of Land Administration considered the grounds raised by

the writ petitioner.

3. The Government has fixed 20.08.1987 as the last date to apply for the ryotwari patta under Section 11 of Act XXVI of 1948, as per the rules amended in the notification issued in G.O.Ms.No.714, Commercial Taxes and Religious Endowments Department dated 29.06.1987. In exercising the powers conferred under Section 64(C)(1) of the Act, as per the notification issued, any authority in the settlement hierarchy, have no power to entertain application and pass orders under Section 11 of the Act XXVI of 1948, on the application received after 20.08.1987.

4. The writ petitioner had not utilised the above opportunity provided by the Government. The Hon'ble Division Bench of Madras High



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Court, in its Order dated 09.02.2016 in Writ Appeal No.96 of 2015 has confirmed the validity of the Government Order issued in G.O.No.714 dated 29.06.1987.

5. Admittedly the petitioner had submitted the application claiming ryotwari patta after a lapse of 31 years from the cut off date fixed by the Government and pertinently the cut off date was upheld by the Hon'ble Division Bench of this Court. Thus, the application itself was belated and not entertainable.

6. Even if an application is submitted within the cut off date, the persons seeking ryotwari patta has to satisfy the conditions stipulated under Section 11 of the above Abolition Act XXVI of 1948. However, in the present case, the application itself had been submitted after the cut off date and after a lapse of 31 years from the expiry of the cut off date fixed by the Government. That being the factum, the petitioner has not established any right for the purpose of considering the application submitted for grant of ryotwari patta.



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7. The respondents are directed to conduct a field inspection and ascertain whether the subject land has been under the occupation of the rightful person in lawful manner or not. The eligibility of the persons are also to be ascertained. If any illegal occupations or fraudulent transfer of property has been identified to be occurred, then the respondents are directed to initiate appropriate actions to resume the land in the manner known to law. The said exercise is directed to be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. Accordingly, the writ petition stands **disposed of**. No costs.

19.09.2023

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

To

1. The Commissioner of Land Administration,
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2. The District collector
Krishnagiri Distirct, Krishnagiri.

3. The District Revenue officer,
Krishnagiri Distirct, Krishnagiri.



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S.M.SUBRAMANIAM. J.,

(sha)

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