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W.P.Nos.12259, 12265 & 12269 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.12259, 12265 & 12269 of 2023

and

W.M.P.Nos.12115, 12116 & 12118 of 2023

P.Balasubramanian ... Petitioner in W.P.No.12259/2023

B.Alamelu Ammal @ Padmavathi Ammal
... Petitioner in W.P.No.12265/2023

B.Karthikeyan ... Petitioner in W.P.No.12269/2023

Vs.

1. The Assistant Settlement officer (North),
Office of the Principal Secretary and
Commissioner of Land Survey and Settlement,
Chepauk, Chennai- 05.

2. The Tahsildar,
Maduranthakam Taluk,
Chengalpattu District.

... Respondents in all W.Ps.

Prayer in W.P.No.12259/2023:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the records of the impugned order in O.Mu. E2 / 5941 / 22 dated 25.11.2022 passed by the first respondent herein and quash



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the same and and consequently direct the first respondent herein to consider the claim petition dated 14.10.2022 with respect to the lands comprised in Survey No. 98/2- 0.90 cents, 99/9- 0.05 cents, 86/1- 0.60 cents, 108/2 - 0.26 and 110/4A- 8 Acres 15 cents, in all measuring and extent of 9 acres 99 cents situated at No.170, Atthivakkam- Madura Kizhkkandai Village, Maduranthakam Taluk, Chengalpattu District, on merits and in accordance with law and within such time as may be fixed by this Hon'ble Court.

Prayer in W.P.No.12265/2023:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the records of the impugned order in O.Mu. E2 / 5942 / 22 dated 28.11.2022 passed by the first respondent herein and quash the same and consequently direct the first respondent herein to consider the claim petition dated 14.10.2022 with respect to the lands comprised in Survey No. 70/1, 70/3, 81/7, 93/5, 93/7, 94/1, 94/6, 96/4 and 110/4A, in all measuring about 9 acres 97 cents situated at No.170, Atthivakkam- Madura Kizhkkandai Village, Maduranthakam Taluk, Chengalpattu District, on merits and in accordance with law and within such time as may be fixed by this Hon'ble Court.

Prayer in W.P.No.12269/2023:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the records of the impugned order in O.Mu. E2 / 5937 / 22 dated 28.11.2022 passed by the first respondent herein and quash the same and consequently direct the first respondent herein to consider the



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claim petition dated 14.10.2022 with respect to the lands comprised in Survey No.110/4A, measuring about 3 acres 20 cents situated at No.170, Atthivakkam- Madura Kizhkkandai Village, Maduranthakam Taluk, Chengalpattu District, on merits and in accordance with law and within such time as may be fixed by this Hon'ble Court.

For Petitioners in all W.Ps. : Mr.K.Raja Shrnivas for
Mr.S.Satheesh Kumar

For Respondents in all W.Ps.: Mr.V.Arun,
Additional Advocate General

COMMON ORDER

The order dated 25.11.2022, passed by the first respondent, rejecting the application filed by the writ petitioners for grant of ryotwari patta is under challenge in the present writ petitions.

2. The writ petitioners made a submission that the subject properties are ancestral properties which were declared as surplus under the provisions of the Tamil Nadu Estate (Abolition and Ryotwari) Act 26 of 1948. The subject land was classified as "Punjai Anandhinam".



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3. However, the first respondent rejected the application submitted by the writ petitioners on 14.10.2022 mainly on the ground that as per the Government order issued in G.O.Ms.No.714, applications submitted beyond the cut off date is not entertainable. The cut off date was fixed as 20.08.1987. Thus, applications submitted after the cut off date is not maintainable at all. The authorities are not empowered to entertain the appeal as the Government Order issued in G.O.Ms.No.714 was upheld by the Hon'ble Division Bench of this Court.

4. The subject land was notified as "Punjai Anadhinam" under the provisions of the Act 26 of 1948 on 03.01.1955 itself. Thereafter, the land vested with the Government. The Government is empowered to distribute the land to the landless poor people or utilise the same for public purposes.

5. The order impugned reveals that the petitioners submitted applications on 14.10.2022 after the expiry of the cut off date. More specifically, after about 35 years from the date of expiry of the cut off date fixed by the Government in G.O.Ms.No.714, accordingly, the first respondent rejected the same. However, the reason stated in the impugned



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order is in consonance with the Government order, fixing the cut off date which was upheld by the Division Bench of this Court,

6. The learned counsel for the petitioners, filed additional typed set of papers afresh before this Court, stating that the father of the writ petitioner in W.P.No.12259 of 2023 submitted an application in the year 1975 which was acknowledged by the Tahsildar and the District Collector Kanjeeपुरam. The District Collector Kanjeeपुरam, in proceeding dated 27.04.1976 asked the father of the petitioner to submit all further documents for the purpose of taking decision and to pass orders. In complying the request, the father of the writ petitioner submitted the documents along with the representation dated 02.06.1977 and thereafter, there was no progress made and the father of the writ petitioner also died, after which on 16.03.1982, the Tahsildar, Maduranthakam Taluk issued a proceeding.

7. Though such records would not confer any right at this length of time, this Court is of the opinion that the records produced by the petitioners are to be verified for the purpose of taking a final decision on merits and in accordance with the law. The sale deeds produced by the



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petitioners would reveal that all the documents were excluded after the notification. There is a discrepancy in respect of the extent of land. Thus, this Court is not in a position to form a final opinion since the respondents have not produced any records for verification. Since the petitioner has produced some new documents and those documents were issued prior to the cut off date, such issues are to be adjudicated on merits and in accordance with the law. Thus, the matter is to be remanded back to the Commissioner of Land Administration for fresh consideration.

8. Accordingly, the impugned orders passed by the first respondent in proceedings dated 25.11.2020 are quashed. The matters are remitted back to the Commissioner of Land Administration, Chepauk, Chennai, for adjudication of issues on merits and in accordance with law.

9. The learned Additional Advocate General brought to the notice of this Court that the present status of the subject lands have been stated by the Tahsildar Maduranthakam Taluk to the first respondent. Thus, the said facts are also to be considered by the Commissioner of land Administration. The Commissioner of Land Administration shall consider the genuinity of the documents produced by the petitioners with reference



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to the records available with the Department and by affording opportunity to the parties, pass appropriate orders on merits and in accordance with law as expeditiously as possible.

10. With the above directions, the writ petition stands **allowed**. No costs. Consequently, connected miscellaneous petitions are closed.

22.09.2023

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

To

1. The Assistant Settlement officer (North),
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2. The Tahsildar,
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S.M.SUBRAMANIAM. J.,

(sha)

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