



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12516 of 2023
and
W.M.P.Nos.12344 and 12346 of 2023

R.Dilli Raja

... Petitioner

Vs.

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

2.The Commissioner / Director of Survey and Settlement,
Survey House,
Chennai – 600 005.

3.The District Revenue Officer,
Kancheepuram District,
Kancheepuram.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the 1st respondent proceedings Rc.No.K1/4023473/2023 dated 27.03.2023 and quash the same and directed the respondents to grant Ryotwari Patta with respect to petitioner's land comprised in S.No.318/3 over an extent of 0.15 Acres in Nemili B Village (Beemanthangal), Sriperumbudur Taluk, Kancheepuram District.



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For Petitioner : Mr.M.Muthappan

For Respondents : Mr.T.Arunkumar,
Additional Government Pleader

ORDER

The order dated 27.03.2023 passed by the Commissioner of Land Administration, Chepauk, Chennai – 5, invoking Section 7(d) of the Tamil Nadu Act XXVI of 1948 is under challenge in the present Writ Petition.

2. The petitioner admittedly purchased the subject property in the year 2000 and he had approached the authorities for grant of patta. Since the Tahsildar had refused to grant Patta, the petitioner had approached the Director of Survey and Land Records, who in turn, considered the case of the petitioner under Section 5(2) of the Tamil Nadu Estate (Abolishment and Conversion into Ryotwari) Act, 1948. Since, the order passed by the Director of Survey and Settlement is found to be patently wrong, the Commissioner of Land Administration initiated *suomotu* proceedings under Section 7(d) of the Tamil Nadu Act XXVI of 1948.



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3. Pertinently, as per the Tamil Nadu Act XXVI of 1948, the Director of Survey and Settlement Act is only a Revisional Authority under Section 5(2) of the Act. The Assistant Settlement Officer has no power to pass an order beyond the cut-off date fixed by the Government in G.O.Ms.714, (CT & RE) Department dated 15.06.1987. The Authorities are not empowered to condone the delay in respect of the applications submitted time barred. The *suomotu* power conferred on the Commissioner of Land Administration was confirmed by the Division Bench of this Court even recently in W.A.No.96 of 2015 dated 09.02.2016. Therefore, in the present case, the Commissioner of Land Administration has rightly invoked the *suomotu* powers for the purpose of ascertaining the correctness of the order passed by the Director of Survey and Settlement.

4. The Commissioner has found that the Director of Survey and Settlement cannot enlarge his powers conferred under Section 5(2) beyond the scope of jurisdiction under the Act, without examining the documents of eligibility to grant Patta. The Commissioner of Survey and Settlement passed an order granting Patta, which is in violation of the Tamil Nadu Act XXVI of 1948. The Commissioner of Survey and Settlement has misinterpreted the



Rule provisions and passed orders for re-opening the decisions, classifying the land as Government Land made during the currency of settlement without adequate reasons.

5. If no applications are filed within the cut-off date, as stipulated in G.O.Ms.714, (CT & RE) Department dated 15.06.1987, the lands absolutely vest with the Government and thereafter, the Settlement Officer or the Director of Survey and Settlement is not conferred with the powers to re-open the settled lands. The Commissioner found that in the event of allowing such directions, it would lead to a wrong precedent and there is a possibility of claiming Patta in the name of judicious persons. On account of efflux of time, the land has been classified as Government wet anadheenam during the settlement 50 years ago and any changes now made would pave way for illegality. The reasons stated by the Commissioner of Land Administration is in consonance with the scope of the provisions of the Tamil Nadu Act XXVI of 1948 and admittedly, the petitioner had submitted an application seeking Patta beyond the cut-off date, which is not entertainable and thus, the present Writ Petition is devoid of merits.



6. Accordingly, the Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

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Index : Yes

Speaking order

Neutral Citation : Yes

To

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S.M.SUBRAMANIAM, J.

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