



WEB COPY



W.M.P.Nos.17658 & 6396 of 2023

in

W.P.No.5034 of 2023

S.M.SUBRAMANIAM.J.,

The multiplicity of litigations, instituted by the parties before the High Court, suppressing certain vital facts by either of the parties resulted in granting of an interim order in the present writ petition.

2.The private parties are raising allegations of fraud against each other and the learned Additional Advocate General, appearing on behalf of the state, brought to the notice of this Court that the patta granted in the name of a private person, after taking over the land by the Government, was found to be illegal and void have been issued.

3.Pursuant to the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act 26 of 1948, the land vest with the Government under Section 3 of the Act. After taking over the land by the Government, it cannot be again assigned or patta cannot be granted in the name of any private person, more specifically, from whom the land was taken over by the Government. Necessary changes were made pursuant to the provisions of the Act in the revenue records



and thus, the Commissioner of Land Administration cancelled those orders granting patta in favour of Mrs.V.Shanmugasundari and restored the land in favour of the Government.

4. Several allegations have been filed without stating the clear facts in this regard. Now the learned Additional Advocate General has made a submission that all illegal transfer of patta in the name of private persons were cancelled and the original revenue entries made pursuant to the fact that it has been restored. When the authorities have inspected the land for the purpose of resumption, the present writ petition has been filed and an interim order has been granted and therefore, the authorities are not in a position to implement the orders passed by the Hon'ble Division Bench. Already two Division Bench orders have been passed in W.P.Nos.26928 of 2018 and 34027 of 2022. The authorities are not in a position to implement the orders passed by the Hon'ble Division Bench on account of the interim order status quo granted in the present writ petition.

5. The learned counsel for the petitioner made a submission that the opportunity has not been granted to the writ petitioner. In this regard, the petitioner is bound to establish his right for the purpose of seeking relief. All such grounds are to be adjudicated elaborately. However, the petitioner has not made



out any prima facie case for the purpose of continuous of the inteirm order and therefore, this Court is not inclined to continue the interim order granted on 01.03.2023 in W.M.P.No.6390 of 2023 and accordingly, the interim order stands vacated. Thus, the petition in W.M.P.No.17658 of 23 stands allowed.

6.The Government authorities shall implement the orders, already passed by the Hon'ble Division Bench of this Court, as expeditiously as possible.

7.Registry is directed to list the writ petition for final disposal next week.

28.06.2023

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(Sha)

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