



W.A.No.2036 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

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1.Palanivelrajan
2.M.Palanikumaran
3.M.Muthu
4.A.Bhuvaneshwari

.. Appellants

Vs

1.The Additional Principal Secretary
and Commissioner of Land Administration,
Survey and Settlement Department,
Chepauk, Chennai – 600 005.

2.The Director and Commissioner,
Survey and Settlement Department,
Survey House,
Chepauk, Chennai – 600 005.

3.The Assistant Settlement Officer (South) Chennai,
O/o Survey and Settlement Department,
Survey House, Chepauk,
Chennai-600 005.



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4.The District Collector,
Madurai District,
Madurai.

5.The Tahsildar,
Madurai North Taluk,
Madurai-625 020.

.. Respondents

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 29.09.2022 passed by the learned Single Judge in W.P.No.26143 of 2022.

For the Appellants : Mr.M.Silambarasan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by
Mr.K.Karthik Jagannath
Government Advocate

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.M.Silambarasan, learned counsel for the appellants and Mr.P.Muthukumar, learned State Government Pleader, assisted by Mr.K.Karthik Jagannath, learned Government Advocate for the respondents.

2. The appellants are the original writ petitioners. The writ petition was filed challenging the order passed by the Assistant



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Settlement Officer rejecting the request of the appellants for grant of patta.

3. It is the contention of learned counsel for the appellants that patta was issued in favour of the predecessor-in-title of the appellants, namely Lakshmana Pillai. The appellants have purchased the property from Lakshmana Pillai. Initially also patta was cancelled. The appellants filed writ petition before this court and the learned Single Judge directed the authorities to conduct enquiry and pass fresh orders. No enquiry was conducted and a similar order was passed afresh by the third respondent. According to learned counsel for the appellants, when patta is validly issued in favour of the predecessor-in-title, it is not open for the respondents to contend otherwise.

4. It is further contended by learned counsel for the appellants that the adjacent land owner has been issued patta in respect of the land.



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5. Learned State Government Pleader submits that the land has been reclassified as a Puthukulam Kanmai Poramboke (water body) prior to the purchase of the land by the appellants. The appellants have not been in a position to show as to how the reclassification done is improper.

6. The appellants purchased the property in the year 1998 and prior to the purchase the property, it was already classified as Puthukulam Kanmai Poramboke (water body). Even the government does not have power to grant patta in respect of a water body. Unless it is shown that the classification of the land is improper, the appellants cannot claim any right.

7. In the light of that, we do not find any error committed by the learned Single Judge. It is for the appellants to assail the classification as may be permissible under law and in case the appellants are in a position to demonstrate that the classification of the land as Puthukulam Kanmai Poramboke (water body) was improper, then they may take further steps in accordance with law.



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The writ appeal is disposed of accordingly. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

07.08.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi

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