



W.A. No.2923 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2023

CORAM

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

AND

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

W.A. No.2923 of 2021

S.Ananda Prasad

... Appellant

-VS-

1. The State of Tamil Nadu
Rep. by its Principal Secretary and Commissioner
of Land Administration
Chepauk, Chennai – 600 005.

2. The District Revenue Officer
Collectorate
Bangalore Highway Road
Krishnagiri – 635 001.

... Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent to set aside the order dated 26.08.2021 in W.P. No. 22381 of 2010 passed by the learned Single Judge.

For the Appellant :: Mr. P.J.Rishikesh

For the Respondents :: Mr. K.Karthick Jeganath
Government Advocate



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JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.P.J.Rishikesh, learned counsel for the appellant and Mr. K.Karthik Jegannath, learned Government Advocate for the respondents.

2. The writ petition was filed by the appellant challenging the proceedings and the order passed by the first respondent. The appellant was issued with patta in respect of land in Survey No.68/3, but was refused grant of patta in respect of land in Survey No.56/2.

3. It appears that as per the order of Settlement Officer dated 29.10.1969, the land in S.No.56/2 was admitted as land meant for grazing purpose by one Krishna Prasad, son of Balram Prasad. At the time when the order was passed by the Settlement Officer, the land stood in the joint name of Krishna Prasad and Narayana Prasad.

4. Learned Single Judge, in view of the said order of the Settlement Officer dated 29.10.1969, held that the land in Survey



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No.56/2 is meant for grazing and recording the land as grazing ground Poramboke did not interfere in the matter. We do not find any error committed by the learned Single Judge while passing the order.

5. According to the learned counsel for the appellant /petitioner, the order dated 29.10.1969 passed by the Settlement Officer was given to the appellant during the pendency of the writ petition in the year 2021. The appellant has no knowledge about the same.

6. In case the petitioner was aggrieved by the order dated 29.10.1969, the said order ought to have been challenged. As long as that order is in force, no contrary order can be passed.

7. Learned counsel for the appellant /petitioner submits that the appellant may be given liberty to challenge the order dated 29.10.1969 passed by the Settlement Officer. In case, the appellant has any remedy still available under law, then the appellant may assail the same in a manner and as may be permissible.



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8. With these observations, the writ appeal stands disposed of.

No costs.

(S.V.G., CJ.)

(P.D.A., J.)

25.09.2023

Index : Yes/No

Neutral Citation : Yes/No

Maya

To

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THE HON'BLE CHIEF JUSTICE
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P.D.AUDIKEVALU, J.

(Maya)

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