



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28984 of 2022

Mr.R.Govindasamy, S/o.Ramasamy

... Petitioner

Vs.

1.The Commissioner, Land Acquisition,
Chepauk, Chennai – 600 005.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Thiruvannamalai Taluk.

3.The Tahsildar,
Thandrampattu Taluk,
Tiruvannamalai District.

4.The District Collector,
Tiruvannamalai District.

... 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 of the 1st Respondent herein by order dated 08.08.2022 in Rc. R3 / 1992700 / 2022 and quash the same and direct the 3rd Respondent either to pay compensation for Acre 3.56 cents (Award passed but not paid money for Acre 2.30 cents; Neither award passed nor money paid for Acre 1.00 cents



(used as road), Neither award passed nor money paid for Acree 0.26 cents (patta granted to allottees), as per present market value in S. No. 54/2B of Kuberapattinam Village, Melmuthanoor Madhura, Mothakkal Post, Thandaramapattu Taluk, Thiruvannamalai District or to provide the petitioner with equivalent extent of land in and around the same revenue village.

For Petitioner : Mr.N.Muthukrishnan

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

ORDER

The proceedings of the Commissioner of Land Administration dated 08.08.2022, rejecting the claim to pay compensation in respect of the acquired land is under challenge in the present Writ Petition.

2. The petitioner states that his Father, Late Ramasamy was the absolute owner of the property, measuring to an extent of 5.50 Cents comprised in S.No.54/2B of Kuberipattinam Village, Melmuthanoor Madhura, Mthakkal Post, Thandarampattu Taluk. The father of the writ petitioner purchased the said property vide Sale Deed dated 23.03.1961, registered as Document No.822 of 1961.



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3. It is not in dispute that the subject property was acquired under the provisions of the Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Act, 1971. As the lands acquired were divided into plots and allotted to beneficiaries, the beneficiaries are now under occupation. Subsequently, patta has also been issued in favour of the beneficiaries.

4. The learned counsel for the petitioner mainly contended that the ownership of the petitioner has not been disputed by the competent authorities. The patta was originally granted in the name of the father of the writ petitioner and therefore, the petitioner is entitled for compensation in respect of the lands acquired, which belonged to him.

5. The learned Additional Government Pleader relying on the counter-affidavit, made a submission that the subject property has been originally classified as 'Tarisu' and the land belonged to the Government. In respect of the revenue records, certain manipulations were. Therefore, the petitioner is not entitled for compensation in respect of the land allotted for the benefit of the eligible person falling under the Act.

6. The learned Additional Government Pleader has brought to the



notice of this Court that the patta was erroneously granted in an illegal manner and would not confer any title on the petitioner.

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7. In this context, it is relevant to extract para 12 of the counter-affidavit filed by the 1st respondent, which reads as under:-

“12) I respectfully submit that with regard to the averment made in paragraph 14 and 15 of the affidavit, the petitioner had sent a letter dated 05.01.2022 to Commissioner of Land Administration, with a request for issuance of patta in respect of the land in Survey No.54/2B, extent 1.26 Acres and to grant compensation for the acquisition of the land having extent of 2.30 Acres and later classified as Grama Natham. In continuation of the receipt of the above said letter, an enquiry was conducted with the petitioner. While perusing the written statement filed by the petitioner's side, out of 5.50 Acres of land, 2.30 Acres had already been taken by the Authorized Officer and Revenue Divisional Officer, under the provisions of Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Act, 1971 and patta issued to 79 Kudiyiruppudars



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in the year 1973. Further, during the updating Registry the land in Survey No.54/2B, was subdivided as Survey No.54/2B2, extent 1.34.0 Hectare (i.e., 3.30 Acres) had been classified as Grama Natham. However, the land measuring 1.94 Acre had been sold by the father of the petitioner and the petitioner to various individuals by registered sale deeds in the years 1987, 1988 and 1992 i.e., after having illegally updating the Registry. The petitioner had not shown any records to substantiate that the Tahsildar had sub-divided the land having extent of Nil Acre - 71 cents and classified the said land as Street Poramboke in the year 1977. Further, in the year 1995, when the Survey for Natham Settlement was undertaken, the land having an extent of 1.26 Acre was classified as "Grama Natham" and given for various utilities like "Street Poramboke", School, "Fair Price Shop" etc., As per the provisions of section 14 of the Tamil Nadu Survey and Boundaries Act, 1923, any person deeming himself aggrieved by the determination of any boundary under section 9, 10 or 11 of the Act, may subject to the provisions of Parts II and III



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of the Indian Limitation Act 1908, institute a suit within three years from the date of the notification under section 13 to set aside or modify the said determination and the survey shall, if necessary, be altered in accordance with the final decree in the suit and the alteration, if any, shall be noted in the record, The petitioner having to do so, has no locus stand to claim patta for the said parcel of the land in his favour.”

8. Disputed facts related to title cannot be adjudicated in writ proceedings under Article 226 of the Constitution of India. The power of judicial review of the High Court is to ensure the processes through which a decision has been taken by the competent authorities in consonance with the Act and Rules in force but not the decision itself. Thus, the petitioner in respect of his claim has to approach the competent Civil Court of law as High Court cannot give any relief relating to title or ownership, since the respondents claim that the subject property is a Dry land, classified as ‘Tarisu’ and vests with the Government right from the year 1911 onwards. It is for the petitioner to approach the Civil Court to establish his rights.

9. With this observation, the Writ Petition stands dismissed. No costs.



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Index : Yes

Speaking order

Neutral Citation : Yes

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S.M.SUBRAMANIAM, J.

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