



W.P.No.27711 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27711 of 2023
and
W.M.P.No.27191 of 2023

Silambanathanpettai Village Panchayat,
Represented by its President,
Ms.Dheivanai Singaravelu,
No.2/74, Mariamman Koil Street,
Pathirakottai and Post,
Panruti – 607 102,
Panruti Taluk,
Cuddalore District.

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary,
Revenue Department,
Fort St. George, Chennai – 600 009.
- 2.The Government of Tamil Nadu,
Rep.by its Secretary,
Rural Development Department,
Fort St. George, Chennai – 600 009.
- 3.The Government of Tamil Nadu,
Rep. by its Secretary,
Environment and Forest Department,
Fort St.George, Chennai – 600 009.



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4.The Director of Rural Development,
Panagal Maligai, Saidapet, Chennai – 600 015.

5.The Principal Chief Conservator of Forests,
(Head of Forest Force),
Forest Headquarters Building,
Near Kanniganpuram Check Post,
Guindy-Velacherry Main Road,
Guindy, Chennai - 600 032.

6.The Inspector General of Registration Department,
100, Santhome High Road,
Mullima Nagar, Madthavelipakkam,
Raja Annamalaipuram, Chennai – 600 028.

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

8.The District Collector,
Cuddalore District.

9.The Superintendent of Police,
Cuddalore District.

10.The Deputy Superintendent of Police,
Cuddalore District.

11.The District Revenue Officer,
Cuddalore District.

12.The Revenue Divisional Officer,
Cuddalore District.

13.The Tahsildar,
Panruti Taluk,
Cuddalore District.



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14.The Block Development Officer (Village Panchayat),
Panruti Taluk,
Cuddalore District.

15.The Deputy Superintendent of Police,
Vigilance and Anti-Corruption Department,
No.16, Pavazha Salai,
Anna Nagar bear S.P.Office backside,
Cuddalore – 607 001.

16.Mrs.Yasodhammal

17.Mr.Parthasarathy

18.Mr.Santhanam

19.Mr.Sudhakaran
Respondents

...

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that the re-classification of the lands in New Survey Nos. 206/4, 206/6 and 206/7 corresponding to Old Survey No.707, 708, 709, 710, 711, 712, 713, 714, 715, 716 and 717 measuring 101.65 acres in Silambanathapettai Village, Cuddalore District from 'Tarisu' or 'Reserve Forest' into Punjai or any other such re-classification was made without the approval of the Government or competent authority.



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For Petitioner

: Mr.M.Elumalai

For R1 to R8, R11 to R13 and R14

: Mr.V.Arun,
Additional Advocate General

For R9, R10 & R15

: Mr.S.Vinoth Kumar,
Government Advocate
(Crl.Side)

ORDER

The writ on hand is for declaration declaring the re-classification of lands in New S.No.206/4, 206/6 and 206/7 corresponding to old S.No.707, 708, 709, 710, 711, 712, 713, 714, 715, 716 and 717 measuring 101.65 acres in Silambanathapettai Village, Panruti Taluk, Cuddalore district from Tharisu or Reserve Forest into Punjai.

2. Silambanathapettai Village Panchayat represented by its President, duly elected as President of the Silambanathapettai Village Panchayat filed the present writ petition mainly on the ground that large extent of Government lands are converted as patta lands and allotted in favour of the few individuals, who are all influential people in the society. As a President of the Silambanathapettai Village Panchayat, the Writ Petition has been instituted in order to protect the Government lands and the livelihood of the



people of that village. Even water bodies are not spared and they are converted as patta land with an active collusion of the revenue officials of the District concerned.

3. The petitioner states that the petitioner / President had ascertained the names of the respondent 16 to 19 from the Agenda filed before this Court. In the 'A' register maintained by the Revenue Department, it was prominently mentioned that the lands in S.No.127, 128 and 129 are re-classified from 'forest' as 'Tarisu' in the year 1990. However, in respect of the very same lands in the year 1978, the names of respondents 16 to 19 has been shown as owners. Thus, the lands which were classified as 'Tarisu' in the revenue records have been unilaterally converted and changed as 'Punjai', without the approval of the Government. Huge extent of lands measuring 185.96 acres in total has been assigned in the names of the respondents 16 to 19 without any basis. The petitioner states that the people of that Village were not aware of this conversion and grant of patta in favour of the respondents 16 to 19.

4. It is brought to the notice of this court that the respondents 16 to 19



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had further transferred the property in the name of individual persons for personal gains. Beyond the lands stated in the affidavit filed in support of the Writ Petition, the learned counsel for the petitioner furnished records to establish that further extent of land, which are all classified as water bodies were also converted as patta lands unilaterally without the approval of the Government of Tamil Nadu. At the outset by committing serious illegalities and offences, the lands belonging to the Government has been changed as patta lands for the benefit of certain individuals, who all are influential people in the society.

5. The Governmental order in G.O.Ms.No.35, Revenue and Disaster Management Department dated 19.01.2023 makes it clear that except the Government, the District Collector or any other instrumentality of the Government are not empowered for re-classification as lands. However in the present case, conversion of lands were made without any such approval from the Government of Tamil Nadu / Commissioner of Land Administration and allotment of large extent was made without following the procedures and not following of the Revenue Standing Orders in force.



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6. The petitioner had earlier filed a Writ Petition in W.P.No.26231 of 2022 and this court passed an order by directing the authorities to consider the representation and remove the encroachments in the Government property. The order passed by the Hon'ble Division Bench dated 29.09.2022 has not been implemented by the authorities nor any order has been passed by the competent authority in compliance with the order of the Hon'ble Division Bench of this Court. A contempt application was filed against the Tahsildar before this Court and the same is pending. While so, the Revenue Divisional Officer, Cuddalore passed order in proceedings dated 21.07.2023, rejecting the application submitted by the writ petitioner to resume the Government lands and protect the same for public purposes.

7. Perusal of the order passed by the Revenue Divisional Officer reveals that an enquiry has not been conducted by scrutinizing the entire revenue records and by considering the history of the land. If at all any person claims patta in respect of the such disputed properties, they are to be relegated to approach the competent Civil Court to establish their civil rights based on documents and evidences available on record. As far as the Government authorities are concerned, they are bound to verify the revenue



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records thoroughly on manipulation, illegalities or changes or otherwise made, which all are to be taken into consideration for the purpose of considering the issues. However, no exercise shall be done by the Revenue Divisional Officer, Cuddalore and the application was simply rejected.

8. The learned counsel for the writ petitioner mainly contented that during the course of arguments, the Government lands are converted as patta lands and as such large extent of land measuring 185.96 acres were allotted in favour of three persons ,who belonged to the same family and are the relatives of the Member of Parliament.

9. Any systematic conversion of Government lands or patta lands are also to be gone into and in the event of any collusion, offenses, illegalities or irregularities noticed, then appropriate actions ought to be initiated to prosecute the offenders and initiate disciplinary proceedings against Government officials and to resume the Government lands for the purpose of utilizing the same for public purposes.

10. The learned counsel for the petitioner furnished the copies of the



revenue records to establish that the subject lands were originally classified as 'Tarisu' and those revenue records annexed along with the typed set of papers filed in the present writ petition.

11. In the 'A' register lands were classified as 'Tarisu' and later point of time the names of Mrs.Yasodhamal, Mr.Parthasarathy, Mr.Santhanam and Mr.Sudhakaran were inserted in the said place in the 'A' Register. The conversion of Government lands as patta lands were made without any approval from the Commissioner of Land Administration and in a suspicious manner for unjust gains.

12. The learned counsel for the petitioner states that further extent of lands were converted as patta lands, despite the fact that it was classified as water bodies, village natham.

13. In this regard, the Government lands converted as patta lands are utilized for running cashew nut factory and there is no permission obtained to run such factories in that locality. At the outset it is contended that the lands are utilized for luxurious purpose and also including by establishing



swimming pool.

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14. Regarding the large scale illegalities, the petitioner has given an elaborate representation to the various authorities including the Chief Secretary, Government of Tamil Nadu on 29.05.2023. The Commissioner of Land Administration may take note of the representation and look into the nature of the allegations set out in the said complaint. Since the allegations of grabbing of Government lands are serious in nature, high value of the properties of Government of Tamil Nadu are allotted in favour of few individuals, who all are influential people of this society. The Commissioner of Land Administration is to be pointed out as an officer of this Court for the purpose of free fair and impartial enquiry in the interest of public and in the interest of principles of natural justice.

15. Thiru. S.Nagarajan, IAS, Commissioner of Land Administration, Chepauk, Chennai-5, who is present before this court is directed to conduct an elaborate enquiry by summoning the officials concerned, scrutinize the revenue records and documents and initiate appropriate actions.



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16. In the event of identifying illegal conversion of Government land as patta land, the Government officials, who are all responsible and accountable are to be prosecuted and disciplinary actions are to be initiated against them.

17. Illegal conversion of Government lands, if found then such lands are to be resumed in favour of the Government for the purpose of utilizing the same for public purposes. Criminal prosecution has to be initiated against the offenders of this nature of allegations in the event of noticing the illegalities, irregularities and criminalities.

18. At the outset, the Commissioner of Land Administration shall conduct an enquiry by verifying the revenue records, documents and *modus operandi* of the conversions, as aggrieved by the petitioner and pass appropriate orders and by affording opportunity to all the parties to resume the Government lands, if it is found to be Government lands and initiate all appropriate actions including criminal prosecution against the offenders.



19. The parties participating in the enquiry are not empowered to seek unnecessary adjournments. Adjournments are to be granted only on genuine and valid reasons and by recording the reasons. Any attempt to protract the proceedings are to be thwarted. Thus, the commissioner of Land Administration shall ensure that enquiry is conducted in a time bound manner and strict actions are initiated to ensure that the Government lands to a larger extent are resumed and protected for the benefit of the people at large. The said exercise is directed to be completed within a period of three months from the date of receipt of copy of this order. The petitioner and the learned counsel appearing on behalf of the petitioner is at liberty to assist the Commissioner of Land Administration by participating in the enquiry proceedings to be conducted by him.

20. With these directions, the Writ Petition stands disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.



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21. List the matter before this court on 22.01.2024 under the caption “For Reporting Compliance”, if necessary by obtaining orders from the Hon'ble The Chief Justice.

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skr / krk

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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