



W.P(MD)No.3583 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)No.3583 of 2023
and
W.M.P(MD)No.3336 of 2023**

Jegadeesan

... Petitioner

VS.

- 1.The District Collector,
Dindigul,
Dindigul District.
- 2.The Sub Collector / Revenue Divisional Officer,
Revenue Divisional Office,
Palani,
Dindigul District.
- 3.The Assistant Settlement Officer (South),
South Zone Office,
Chennai – 600 005.
- 4.The Tahsildar,
Taluk Office,
Guzuliyamparai Taluk,
Dindigul District.
- 5.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Dindigul, Dindigul District.



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6.The Executive Officer,
Atchukondaparai Perumal Kovil,
R.Vellodu,
Dindigul District.

7.Balasubramaniam

8.Angammal

9.Velusamy

10.Balakrishnan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the second respondent herein to cancel the forged pattas and not to create any further patta transfer order in favour of respondents 7 to 10 in respect of above said Sri Atchuvandaparai Perumal Thirukovil land situated in Survey Nos.10, 17 and 58 vide patta No.666 situated at Pampulupatti, Koombur, P.C Patti Post, Vedachandur via, Guzuliamparai Taluk, Dindigul District as per Patta Pass Book Act which were issued on the basis of forged documents in connection with the abovesaid Temple Patta Land in the light of the petitioner's representations, dated 26.09.2022 and 05.12.2022.

For Petitioner : Mr.C.Senthil Kumar

For RR 1 to 4 : Mr.M.Sarangan
Additional Government Pleader

For R – 5 : Mr.P.Subbaraj
Special Government Pleader



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ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner, being a devotee of the Temple, has filed the present Writ Petition, seeking a direction to the second respondent to cancel the forged pattas and not to create any further patta transfer order in favour of respondents 7 to 10 in respect of above said Sri Atchuvandaparai Perumal Thirukovil land situated in Survey Nos.10, 17 and 58 vide patta No. 666, situated at Pampulupatti, Koombur, P.C Patti Post, Vedachandur via, Guzuliamparai Taluk, Dindigul District, as per Patta Pass Book Act, which were issued on the basis of the forged documents in connection with the abovesaid Temple Patta land in the light of the petitioner's representations, dated 26.09.2022 and 05.12.2022.

2. According to the petitioner, the respondents 7 to 10 have approached the Assistant Settlement Officer, Chennai, after a lapse of 50 years, claiming patta under the provisions of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 30 of 1963 and the Assistant Settlement Officer issued patta in favour of the respondents 7 to 10, which is illegal and without jurisdiction. Hence, the petitioner has filed the present Writ Petition.



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3. When the matter came up for hearing on 23.02.2023, this Court passed the following order:-

"3. The legal issues involved in the Writ Petition are:-

"(i) Whether the patta granted in favour of the respondents 7 to 10 by the Assistant Settlement Officer is within the period of Limitation or not?

(ii) Whether the said application is entertained beyond the period of limitation prescribed under the Government orders or not?

(iii) If the said application is entertained within the prescribed period, the Commissioner can invoke suo motu power to cancel the patta or not?"

4. To that extent, the learned Additional Government Pleader is directed to get instructions."



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4.Today, when the matter is taken up for hearing, the learned Additional Government Pleader appearing for the respondents 1 to 4 has received the instructions within a short span of time from the Department as well as the Temple and submitted that the order passed by the Assistant Settlement Officer, is without jurisdiction by citing the reason that in G.O.Ms.No.1300, three months time has been granted and thereafter, the Government has passed G.O.Ms.No.714, Land and Administration, dated 29.06.1987, wherein, it has been fixed the cut-off to submit the application on or before 29.06.1987 and those applications received within the aforesaid time, are only considered for granting of patta under the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 30 of 1963. The respondents 7 to 10 have approached the Assistant Settlement Officer, after a period of 50 years and therefore, according to the respondents 1 to 4, there is no provision for entertaining such an application and this aspect cannot be considered in the present Writ Petition. If he is aggrieved by the order passed by the Assistant Settlement Officer, he can approach the competent authority.



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5.Considering the submissions made on either side, we are of the view that when the petitioner has filed the present Writ Petition with the aforesaid prayer for cancellation of patta, cannot be entertained and under the provisions of the Act, the petitioner has an efficacious remedy to file a revision before the Commissioner, Land Administration Department under the provision of 6(C) of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 30 of 1963.

6.With the above liberty, this Writ Petition is disposed of. We make it clear that we are not expressing any opinion on the merits of the case. It is open to the petitioner to approach the authority concerned seeking for cancellation of the aforesaid patta, in the manner known to law, if he is so advised. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [L.V.G.,J.]
24.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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and
L.VICTORIA GOWRI,J.

ps

ORDER MADE IN
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