



W.P.(MD)No.5349 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.5349 of 2020

and

W.M.P.(MD).No.4633 of 2020

Arunachalam

... Petitioner

Vs.

1.The District Revenue Officer,
Karur District,
Karur.

2.The Assistant Director,
Land Survey and Records Department,
Karur,
Karur District.

3.The Tahsildar,
Kadavur Taluk,
Kadavur,
Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in his proceedings Na.Ka.C3/851/2020 dated 12.02.2020 and quash the same as illegal and arbitrary consequently direct the respondents to issue the patta to the petitioner



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with regard to lands in Survey Nos.543/1, 543/2 and 543/3 situated at Pannapatti Village, Kadavur Taluk, Karur District.

For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

When this Writ Petition came up for hearing on 08.12.2023, this Court passed the following order:

“This Writ Petition has been filed challenging the proceedings of the first respondent dated 12.02.2020 and for a consequential direction to the respondents to issue patta in the name of the petitioner with respect to the subject properties in Survey Nos.543/1, 543/2 and 543/3 at Pannapatti Village, Kadavur Taluk, Karur District.

2. The case of the petitioner is that he is the owner of the lands in Survey Nos.543/1, 543/2, 543/3 and 543/4 at Pannapatti Village, by virtue of a registered sale deed dated 29.01.1964 registered as Document No.228 of 1964. The petitioner and his family members were in possession and enjoyment of the subject properties and even the patta stood in the name of the petitioner in Patta No.671.



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3. *The petitioner made an application for computer patta for the subject properties. The patta was issued only insofar as Survey No.543/4 is concerned and for the rest of the survey Numbers, it was not issued on the ground that it has been classified as Government Tank Poramboke.*

4. *The petitioner made a representation to the first respondent to rectify the mistake that had crept in during the UDR Scheme. Since the representation was not considered, the petitioner filed a Writ Petition before this court in W.P.(MD). No.23490 of 2019 and this Writ Petition was disposed of with a direction to the first respondent to deal with the representation and to pass orders on merits and in accordance with law.*

5. *Pursuant to the above order, the first respondent through impugned proceedings dated 12.02.2020 rejected the claim made by the petitioner and aggrieved by the same, the present Writ Petition has been filed before this Court.*

6. *The first respondent has filed a counter affidavit and has taken a stand that as per the provisions of the Tamil Nadu Estates (Abolition and Conversion Into Ryotwari) Act, 1948 (Tamil Nadu Act 26 of 1948) and G.O. (Ms).No.3157, Revenue Department, dated 09.12.1950, an extent of 3 acres and 69 cents of land was taken over by the Government on 28.03.1953 and it was maintained as a "Kulam". After that exercise was undertaken under the*



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Tamil Nadu Estates (Abolition and Conversion Into Ryotwari) Act, 1948 (Tamil Nadu Act 26 of 1948), the same became a subject matter of challenge by one Sanguppillai, who filed a Revision Petition before the Land Settlement Officer, Thanjavur, with respect to Survey Nos.543/1, 543/2 and 543/3. The said Revision Petition was dismissed by an order dated 24.02.1982. Against this order, the said Sanguppillai filed yet another Revision Petition before the Commissioner of Land Administration and this Revision Petition also came to be dismissed by an order dated 01.12.1983. Thereafter, the name of Sanguppillai was deleted insofar as Survey Nos.543/1, 543/2 and 543/3 are concerned and it is classified as "Sanguppillai Kulam". A stand has been taken to the effect that this process was undertaken pursuant to the orders passed by this Court in W.P.No.3041 of 1984, dated 24.03.1987. In view of the same, the first respondent has taken a very specific stand that the petitioner is entitled for patta only insofar as Survey No.543/4 is concerned. Thereby, the first respondent has justified the impugned order dated 12.02.2020 which has been put to challenge in this Writ Petition.

7. This Court wanted to verify the original records and accordingly, a direction was issued on 05.04.2023. When the matter came up for hearing on 23.06.2023, files were produced before this Court. This Court found that the name of Sirumba Pillai is shown at Page No.43 and



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simultaneously, it is also shown as a` “Manai” and this was also scored out in two places. Therefore, this Court wanted an explanation as to why the entries had been scored out. Accordingly, this Court directed the respondents to produce the original SLR file. Accordingly, the original SLR file pertaining to SF.Nos.536 to 563 was produced before this Court on 28.06.2023.

8. When the matter was taken up for hearing today, the learned Additional Government Pleader appearing on behalf of the respondents submitted that the entire original records were retained by this Court. On scrutinizing the Court bundle, only the original SLR file pertaining to S.F.Nos.536-563 is available and the other original file which was given during the earlier hearing on 23.06.2023 is not available. Hence, the Registry is directed to verify the same and put up this original file in the case bundle. That apart, the entire bundle in W.P.No.3041 of 1984 shall also be called for from the English Records and the same shall also be put up along with the case records.

9. Post this case under the same caption on 15.12.2023.”

2. When the matter was taken up for hearing today, the records in W.P.(MD).No.3041 of 1984 was placed before this Court. On carefully going through the same, it is seen that Sangupillai had filed the aforementioned Writ



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Petition challenging the proceedings of the Commissioner of Land Administration dated 01.12.1983 confirming the order passed by the Assistant Settlement Officer, Trichy dated 24.10.1975, cancelling the patta with respect to the lands in Survey Nos.543/1 (0.79 cents), 543/2 (0.88 cents) and 543/3 (1.31 acres) at Pannapatti Village, Kulithalai Taluk, Trichy District. This Writ Petition was dismissed by an order dated 06.02.1992 and for proper appreciation, the order is extracted hereunder:

“The petitioner herein has purchased the land of about an extent of 0.79 acres comprised in Survey No.543/1, 0.88 acres comprised in Survey No.543/2 and about an extent of 1.31 acres comprised in Survey No.543/3 situate in Pannapatti Village, Kulithalai Taluk, Trichy District on 20.07.1948, and in pursuance thereof the petitioner was granted patta in respect of these lands in question. After the amendment Act 49 of 1979 to the main Act viz., Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948, came into force, the ryotwari patta granted in favour of the petitioner in respect of the lands in question was cancelled on the basis that the land in question are Oorani. Aggrieved by the said order of the original authority the petitioner preferred a revision petition before the Commissioner of Land Administration and the Commissioner of Land Administration in the impugned order D.Dis.CLA (K.1) R.P.70/82 dated 01.12.1983 rejected



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the revision filed by the petitioner. While rejection the revision petition the Commissioner observed as follows:-

“According to the report of the Settlement Deputy Tahsildar dated 22.5.62 and the inspection report of the Settlement Officer dated 19.5.80, the suit lands are having the characteristics of a tank. In the F.M.B the water tank has been shown as existing in all the suit lands. In the 'A' register S.No.543/2 is shown as "Sangu Pillai Kulam". Even according to the inspection report of the Deputy Tahsildar dated 22.5.62, referred to in the revision petition, and also the statement of the revision petitioner before the Settlement Deputy Tahsildar, S.No.543/1 and 2 were "tank" and the Minor Irrigation Overseer has opined that S.No.543/1 and 543/3 were liable for submersion by the source in S.No.543/2, for a period of less than three weeks. Thus the suit lands were "tank" on the notified date and it was used for irrigation.”

Learned counsel for the writ petitioner represents that the lands in question are cultivable lands and accordingly cultivation have been carrying on by the petitioner. Even assuming that the petitioner had been in possession by virtue of purchase and by virtue of grant of patta under the



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Act, by reason of the Amendment Act the patta granted in respect of the lands in question which were originally classified as Oorani, cannot be sustained. There is enough evidence to fasten that the lands in question are Oorani, and by virtue of the Amendment Act no patta can be granted in respect of the lands which are classified as Oorani. While so the Commissioner of Land Administration has considered the matter in detail and has ultimately come to the conclusion that the cancellation of the patta in respect of the Oorani is sustainable. While so there is no enough material to hold contrary to what the Commissioner has said. The order of the authority is perfectly in order and according to law and there is no warrant to interfere with the order of the Commissioner. Hence the Writ Petition fails and is dismissed.

3. It is quite clear from the above order that the claim made insofar as 543/1, 543/2 and 543/3, for issuance of patta, came to an end long back. Unfortunately, the petitioner was not even aware about the same and the said Sangupillai had conveniently prosecuted the case, even though, the petitioner had purchased the property in the year 1964 itself. If at all there is any grievance for the petitioner, the same can be ventilated only as against Sangupillai and /or his legal heirs. Insofar as the Government/Authority is concerned, their stand



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that the above said survey numbers were categorized as 'Oorani' was vindicated by an order passed by this Court in W.P.(MD).No.3041 of 1984 dated 06.02.1992. Hence, the relief sought for by the petitioner cannot be granted by this Court. It is left open to the petitioner to workout his remedy in accordance with law as against Sangupillai and /or his legal heirs.

4. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

19.12.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To

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N.ANAND VENKATESH, J.

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