



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD) .No.7077 of 2014

and

MP(MD) No.1 of 2014 and 1 of 2015

Tmt.T.S.Padma

... Petitioner

Vs

1.The Secretary to the Government of Tamilnadu,
Department of Land Survey and Settlement,
Fort.St.George,
Chennai - 600 006.

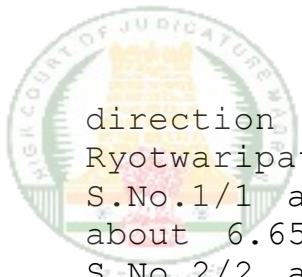
2.The Additional Chief Secretary and
Commissioner of Land,
Survey and Settlement,
Survey House,
Chepauk,
Chennai - 600 005.

3.The Assistant Settlement Officer (South),
Office of the Principal Secretary and
Commissioner of Land Survey and Settlement,
Chepauk, Chennai - 600 005.

4.Jamal Mohammed
5.Allaudeen
6.Kareem
7.Shahjahan
8.Zulekha Beevi
9.Jain Allaudeen
10.Jaibunesa
11.Noorjehan Beevi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Rc H1.578/2013, dated 26.07.2013 on the file of the second respondent and quash the same as illegal and consequently issue a



direction to the second and third respondents to grant it Ryotwaripatta to the petitioner over the punja lands comprised in S.No.1/1 an extent of about 0.92.5 ares, S.No.1/2 an extent of about 6.65.5 Hectare, S.No.1/3 an extent of about 0.37.0 ares, S.No.2/2 an extent of about 0.39.5 ares, S.No.9/1 an extent of about 10.32.5 Hectare, S.No.9/2 an extent of about 1.02.5 Hectare and nanja land in S.No.5/2 an extent of 0.60.5 ares situated at Poovanthi Village, Manamadurai Taluk, Sivagangai District within the time stipulated by this Court.

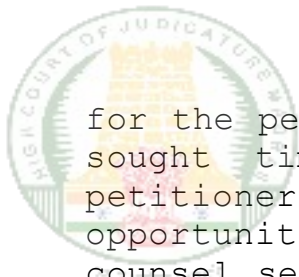
For Petitioner : Mr.P.Mahendran
For R1 to R3 : Mr.G.V.Vairam Santhosh
Additional Government Pleader
For R4, R10 &
R11 : No appearance
For R5 to R9 : Mr.Karthick Raja forbearing
M/s. Ajmal Associates

O R D E R

The petitioner, who is the wife of one late Rajendran has filed this writ petition as against the order passed by the Commissioner of Land, Survey and Settlement, in RC H1.578/2013, dated 26.07.2013.

2.By the order impugned in this writ petition, the second respondent has rejected the request of the petitioner for grant of patta in favour of the petitioner for the lands in Survey Nos.1,2,5 and 9 of Poovanthi Village, Manamadurai Taluk, Sivagangai District to an extent of 50.52 acres. The petitioner claims that she is a descendant of Palayampatti Zamin and the above lands belongs to Zamin. Subsequently the lands were leased out to one Ayisha Beevi for the purpose of cultivation and the said Ayisha Beevi has obtained patta in her favour by misrepresentation. The claim of the petitioner seeking grant of patta in favour of her was rejected by the authorities on the ground that the patta was granted to the said Ayisha Beevi at the time of introduction of Ryotwari settlement under the provisions of Tamilnadu Estate (Abolition and Conversion into Ryotwari) Act 1948. Further it was observed in the order that as per Section 64 (C) (1) of the Act, there was no appeal or revision within the stipulated time. In view of the Government Order in G.O.Ms.No.714, Commercial Taxes and Religious Endowments Department, dated 29.06.1987, the period for filing appeal is also over and no appeal can be entertained further. Aggrieved over the same, the present writ petition was filed.

3.This Court admitted the writ petition and issued notice by order dated 23.04.2014. Thereafter, it was listed for hearing on 08.12.2022 and 15.12.2022. On 15.12.2022, the learned counsel



for the petitioner represented that the petitioner was no and sought time to file necessary application to substitute the petitioner's legal heirs. This Court has also provided sufficient opportunity to the petitioner's counsel. Even then, the learned counsel seeks further time stating that his attempt to contact the petitioner's legal heirs became futile and he also produced the registered post sent by him to the petitioner's address on 18.03.2023 was returned as no such addressee.

4.The learned counsel appearing for the respondents 5 to 9 submits that the the respondents 5 to 8 died and he also seeks time to proceed with the case.

5.Considering the fact that this writ petition is pending from the year 2014 and also taking note of the facts that the petitioner died, the whereabouts of her legal heirs could not be identified and the post sent to the petitioner's address was also returned with an endorsement as no such addressee, this Court feels that instead of keeping this writ petition further, it is appropriate to close this writ petition.

6.Accordingly, this writ petition is closed. However, liberty is granted to restore the writ petition, if the legal heirs are available. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS I)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

Vrn

To

1.The Secretary to the Government,
Department of Land Survey and Settlement,
Fort.St.George,
Chennai - 600 006.

2.The Additional Chief Secretary and
Commissioner of Land,
Survey and Settlement,
Survey House,
Chepauk,
Chennai - 600 005.



3.The Assistant Settlement Officer (South),
Office of the Principal Secretary and
Commissioner of Land Survey and Settlement,
Chepauk, Chennai - 600 005.

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-17514[F] dated
27/03/2023)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-17559[F] dated
27/03/2023)

+1 CC to M/s.SPL.GP (SR-17596[F] dated 27/03/2023)

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24.03.2023

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