



W.P.(MD)No.4480 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.4480 of 2016
and
W.M.P.(MD)No.4035 of 2016

Veerapandi

... Petitioner

versus

1. The State of Tamil Nadu,
Rep. by the Secretary to Government,
Revenue Department,
Fort St. George,
Chennai.
2. The Commissioner,
Commissioner of Land Administration,
Chepauk,
Chennai – 5.
3. The District Collector,
Sivagangai District.
4. The Tahsildar,
Kalaiyarkoil Taluk,
Sivagangai District.



W.P.(MD)No.4480 of 2016

5. The President,
Kanchipatti Village Panchayat,
Sivagangai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the 3rd respondent in Na.Ka.No.A3/2342/2015 dated 18.02.2016 and quash the same and further direct the respondents 2 to 4 to issue patta in the name of Kongappan Ambalam Oorani in respect of the property in S.No.66 Pudhukiluvatchi Village Group, Kalaiyarkoil Taluk, Sivagangai District.

For Petitioner : Mr.R.Balakrishnan

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

The petitioner claims that he is the grandson of one Duraichamy Thevar and successor of one Kongappan Ambalam. According to him, the said Kongappan Ambalam purchased a property in Survey No.66, Pudhukiluvatchi Village, Kalaiyarkoil Taluk, Sivagangai District, to an



W.P.(MD)No.4480 of 2016

extent of 2 acre 30 cents, by way of a registered sale deed dated 07.08.1923, where, he constructed a Hanuman Temple for worshipping and also excavated a small Oorani near the temple to an extent of 1 acre and 66 cents for the benefit of worshippers of the temple. While so, the District Collector, Sivagangai District, by his proceedings dated 25.07.2014, permitted the President of Kalaiyarkovil Panchayat to develop the Oorani at a cost of Rs.5.20 lakh. The petitioner has raised certain objections and also filed a writ petition before this Court in W.P.(MD)No.10900 of 2015 for a Mandamus forbearing the Panchayat President from interfering with his possession of the said oorani. This Court, by order dated dated 01.07.2015 disposed of that writ petition in the following terms:

“In view of the above submission, without going into the merits of the claim made by the petitioner in this writ petitioner in this writ petition, the first and third respondents are directed to look into the issue and pass appropriate orders on merits and in accordance with law, after perusing the documents and also after giving notices to the petitioner, the sixth respondent and other



interested parties, if any, within a period of two months from the date of receipt of a copy of the order. In the meantime, no unauthorized work relating to the temple or Oorani shall be permitted to be carried on.

With the above direction, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.”

Accordingly, the District Collector, Sivagangai District, has passed the impugned order dated 18.02.2016 rejecting the request of the petitioner that patta cannot be granted for Oorani in view of provision under Section 14A the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act 1948 (Tamil Nadu Act 26 of 1948). As against that order, the present writ petition has been filed.

2. The learned counsel appearing for the petitioner submits that the petitioner's ancestor Kongappan Ambalam has purchased the property by way of a registered sale deed dated 07.08.1923 and also registered a settlement deed on 30.04.1954. In view of the said documents, the subject property belongs to the petitioner's family and



W.P.(MD)No.4480 of 2016

though the petitioner has produced the relevant documents, the District Collector, Sivagangai, without considering the said documents, has taken a decision that this property is the inam land which covered under Section 14A of the Tamil Nadu Act 26 of 1948.

3. The learned Additional Government Pleader appearing for the respondents submits that the property in Survey No.66 to an extent of 2 acre 30 cents was already classified as Government Poromboke Oorani as per Section 1(4) of Tamil Nadu Estate Abolition Act 26/1948. The petitioner had no title over the said property. The land is not a ryotwari one. Further, the petitioner is not in possession of the land and he has no alienable right over the Government land. He further submits that the predecessor in title has not raised any issue before the settlement officer and has not filed any appeal as against the orders of the Settlement Officer and therefore, it becomes final and the petitioner is not entitled for grant of patta for Oorani in view of the provisions under Section 14A of the Tamil Nadu Act 26 of 1948 and accordingly, the



W.P.(MD)No.4480 of 2016

petitioner's request was rejected.

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4. This Court considered the rival submissions made.

5. The subject property in Survey Nos.66 is classified as Oorani. The petitioner claims that the Oorani was developed by the petitioner's ancestor. However, the respondents are taking a stand that it is the inam land and it has been taken over by the Government under the Tamil Nadu Act 26 of 1948. However, the petitioner's ancestors have not made any request before the Settlement Officer during the Settlement proceedings.

6. Section 14A of the Tamil Nadu Act 26 of 1948 prohibits for grant of patta for Oorani. Therefore, the District Collector, Sivagangai District, has rejected the request of the petitioner by referring to the provision under Section 14A of the Tamil Nadu Act 26 of 1948. Therefore, this Court is not inclined to entertain this writ petition.



W.P.(MD)No.4480 of 2016

Accordingly, this writ petition is dismissed with liberty to the petitioner to workout his remedy in the manner known to law. No costs.

Consequently, connected miscellaneous petition is closed.

08.11.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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W.P.(MD)No.4480 of 2016

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W.P.(MD)No.4480 of 2016

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