



W.P.No.1948 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

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CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.1948 of 2020
and
W.M.P.No.2291 of 2020

1.S.Suganthi
2.K.S.Deepa Rani
3.K.S.Raj Kumar

... Petitioners

Vs.

1.The Additional Chief Secretary/Commissioner
of Land Administration,
Chepauk,
Chennai – 600 005.

2.The District Collector,
Salem District,
Salem.

3.The District Revenue Officer,
Salem District,
Salem.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the order



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of the 1st respondent dated 30.12.2019 in R.Dis.No.K4/14659/2018-2 and the order of the 2nd respondent dated 06.10.2017 in ROC.No.9348/2017/E1.

For Petitioners : Mr.V.P.Sengottuvel
Senior Counsel
for Mr.P.S.Prabu

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

(Order of this Court was made by S.M.SUBRAMANIAM,J.)

The writ on hand has been instituted questioning the validity of the order passed by the District Collector, Salem District in proceeding dated 06.10.2017 and the revision order passed by the Commissioner of Land Administration in proceeding dated 30.12.2019.

2. Mr.V.P.Sengottuvel, learned Senior Counsel for the petitioners would submit that the petitioners have produced 2 Sale Deeds executed in their favour to establish their title. Patta was granted in the name of the vendors father to the writ petitioner. Citing all these documents, he would submit that the petitioners are absolute owners of the subject property described in the present writ proceedings. He would further submit that even



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prior to the registration of will, the proceedings of Director of Survey Settlement dated 23.02.1996 also stands in favour of the writ petitioners.

3. Mr.A.Selvendran, learned Special Government Pleader would oppose by stating that the subject property was originally classified as 'Government Poramboke' and further portion was acquired for public purpose.

4. The land measuring to an extent of 30400 Sq.ft. in T.S.No.16/1, Block 10, ward G (now ward AD) is a part of the land acquired by the Deputy Collector, Salem under the Land Acquisition Act, 1894 (Act 1/1984) for a bonafide public purpose to wit for construction of police quarters in award No.85 dated 16.03.1907 and was used as constable quarters and toilets buildings. After getting necessary extract of TSLR in the year 2002 the Police Housing Corporation has constructed a Police Station in this site as per G.O.Ms.No.107 Home (Modern) Department in the year 2003-2004 and now a Traffic Police Station is functioning from 2004 onwards. The physical possession of the property vest with the Police Department till now.



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5. Relying on the above facts, the learned Special Government Pleaders would submit that both the lands are classified as 'Government Poramboke' and the lands vest with the Government. Therefore, the petitioner cannot claim title merely based on 2 Sale Deeds or based on the Patta granted in favour of their vendors father.

6. We found that the petitioners origin of title emanated from an unregistered will of the year 1996. There is no further document to establish the title of the petitioners or their vendors. Thus, a doubt arises regarding the tile and ownership of the petitioners.

7. We are not inclined to adjudicate the disputed issues relating to title of the subject property. *Prima facie* fact reveals that the subject land has been classified as 'Government Poramboke' in the year 1907 and a portion of the land was acquired by the Government in the year 1907 and handed over to the Police Department for construction of Police Quarters. When these facts are established, the petitioners if claim title, have to approach the competent Civil Court of law to establish their title independently based on the documents and evidences available on record.



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8. The proceedings of the Additional Chief

Secretary/Commissioner of Land Administration dated 30.12.2019 reveals the background of the subject lands and the relevant portions are extracted as under:

“6. The Director of Survey and Settlement, Chennai has constituted a Committee of AD Survey and Land Records Tiruvallur, Regional Deputy Director or Survey and land records, Coimbatore and Additional Director of Survey and Land records, Central Survey Office at Chennai. The team was instructed to measure the alleged 5.01 acres acquired in the year 1903 to 1907 and file the report. The team has inspected the land on 15.03.2019 in the presence of appellant and their counsel and recorded the statement of appellants on ground itself. The report states that the land in question in T.S.No.16, the alleged land and other surrounding Government lands in T.S.No.6, 7/1, 7/2, 7/3 and 8 of the Block surrounding 10 ward G, now AD and T.S.No.58 and 1 in block 9 ward G (now AD) stand as follows:

I. Police Department

<i>Details</i>	<i>Registered area</i>	<i>On ground</i>
T.S.No.16	2824.5 sq.mtr (0.70)acre	2654 sq.mtr
T.S.No.6	10219 sq.mtr (2.52)	9777 sq.mtr
Total	13043.5 sq.mtr (3.22) acre	12431 sq.mtr. or 3.07 acre



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II. Government Vision Impaired School

Details	Registered area	On ground
T.S.No.1	1.11 acre	4420 sq.mtr (1.09 acre)

III. Municipal Corporation

Details	Registered area	On ground
T.S.No.7/1, 7/2, 7/3, 7/4	0.53 acre	2427 sq.mtr.(0.59 acre)
T.S.No.58	0.35 acre	1329 sq.mtr (0.32 acre)
Total	5.22	5.07 acre

The Committee also reports that these appellants admitted the measurement without any objection. Thiru.Srinivasan has not produced any document either original or Xerox and deposed that he does not know anything about Director of Survey and Settlement orders dated 23.02.1996. Thiru.Srinivasan has not produced live certificate of J.Mallika and not produced her before the Committee.”

9. In the concluding paragraphs, the following observations are made:

“As regards the arguments of J.Mallika, the counsel traces the title right from Director of Survey and Settlement order dated 23.02.1996 and mutation in the Revenue registry made by Tahsildar, Salem dated 20.05.2011. The Collector, Salem in her proceedings dated 06.10.2017, and in the reply



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to this appeal petition rightly passed lawful order that the order of the Director of Survey and Settlement is fake, requires to be investigated in detail in the concerned officers. However, the orders dated 23.02.1996 was nullified by removing the entries made in TSLR and restored to its previous classification. Therefore, it is evident that the classification of land in question is government poramboke right from 1907. Later, the mutation in the Revenue registry was removed by the proceedings of the District Revenue Officer dated 19.10.2015 on the application of B.V.Nagaraj and others the another group. There is no order in favour of J.Mallika to restore her name in the Revenue registry after 19.10.2015. Therefore, these appellants are not registered holders on 06.10.2017. The Collector, Salem has rightly concluded that both the Tahsildar orders dated 05.05.2011 and the District Revenue Officer (i/c) order dated 19.10.2015 are grossly inequitable and not made under a mistake of fact and set aside both orders on various grounds. The settled law is mutation of names in the Revenue registry for the purpose of Revenue Records. It does not create title or a security to the title. Therefore, Thiru.S.Jayaraman himself do not possess any valid documents for a title as earlier discussed and no rights passed on to this appellant, J.Mallika over the land in question, and the will not probated lawfully. Therefore, the document of conveyance effected by Srinivasan as power of agent in favour of the appellants Tmt.Suganthi, Deeparani



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and Thiru. Rajkumar is made without valid title and there is no merit substance in their prayer.”

10. In view of the fact that the part of the subject lands were classified as 'Government Poramboke' and remaining portion was acquired by the Government and handed over to the Police Department for construction of Police Quarters and the fact remains that a Traffic Police station has already been constructed in a portion of the land. We are inclined to interfere with the order passed by the District Collector, Salem District which is confirmed by the Commissioner of Land Administration. However, the petitioner is at liberty to approach the competent Civil Court of law, if they claim title over the property.

11. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

[S.M.S.J.] [K.R.S.J.]
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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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