



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Review Application (Writ) No.31 of 2024

against

W.P.No.14993 of 2023

Jayaraj

... Petitioner

Vs.

1. Dharmaa Thoppu Trust / Arakkattalai
Rep. by its Managing Trustee,
Mrs.S.Ranga @Ranga Reddy,
265, M.T.H. Road, Villivakkam,
Chennai – 600 049.
2. The District Collector,
Chennai District,
Chennai Collector Office,
Singaravelar Maaligai,
Chennai – 600 001.
3. The District Revenue Officer,
Chennai District,
Chennai Collector Office,
Singaravelar Maaligai,
Chennai – 600 000.



4. The Revenue Divisional Officer,
Chennai Central, Thirumangalam,
Anna Nagar West, Chennai – 600 030.

5. The Tahsildar,
Aminjikarai Taluk,
Aminjikarai, Chennai – 600 030.

6. The Commissioner of Land Administration,
Chepauk, Chennai – 600 005.

7. The Managing Director,
Chennai Metro Rail Project Limited,
Nandanam, Chennai – 35.

8. The Administrator General and
Office Trustee of High Court of Madras,
Madras High Court Campus,
Chennai – 104.

... Respondents

Prayer: Review Application filed under Order XLVII Rule I read with Section 114 of CPC, 1908, to review the order in W.P.No.14993 of 2023 dated 25.09.2023.

For Petitioner	: Mr.R.Singaravelan, Senior Counsel for Mr.M.Muruganantham
For R2 to R6	: Mr.R.Ramanlaal, Additional Government Pleader
For R7	: Mr.Aditya Chandra Mouli, Standing Counsel for CMRL
For R8	: AG & OT



WEB COPY



Review Application (Writ) No.31 of 2024



WEB COPY



Review Application (Writ) No.31 of 2024

ORDER

The Review Application on hand has been instituted to review the order dated 25.09.2023 passed in W.P.No.14993 of 2023.

2. The learned Senior Counsel appearing for the petitioner, Mr.R.Singaravelan would contend that based on the submissions made by learned Additional Advocate General, Mr.R.Ramanlaal, this Court passed an order on 25.09.2023, implicating the review petitioner in an illegality, committed in the matter of disbursement of compensation for the acquisition of land belongs to the writ petitioner Dharmaa Thoppu Trust / Arakkattalai, represented by its Managing Trustee. The review petitioner was not a party to the writ proceedings, but was holding the post of District Revenue Officer and admittedly dealt with the file but not connected with any of the disputes between the writ petitioner and the rival groups, as stated in the writ affidavit.

3. The learned Senior Counsel, Mr.R.Singaravelan appearing for the petitioner would further submit that recording of facts in the writ order was made based on the erroneous submissions and the records, were not perused



by this Court. The copy of the order was made ready by the Registry, High Court on 06.12.2023 and on perusal of the same, it is found that the name of the review petitioner has been referred in this order and the order states that the review petitioner has passed official orders for monetary gains. The order further reveals that the review petitioner has restored the patta, setting aside the order of the Revenue Divisional Officer / 4th respondent, as the Revenue Divisional Officer changed the patta when the Writ Appeal No.1717 of 2021 and other civil suits are pending before the Hon'ble Division Bench.

4. The review petitioner would refer to Section 13 of the Tamil Nadu Patta Passbook Act, 1983 conferring power to the District Revenue Officer to exercise the power of revision against the order passed by the sub-ordinate authorities. Therefore, the review petitioner has the power, as conferred under the provisions of the Tamil Nadu Patta Passbook Act, 1983 and implicating him in any illegality would not arise at all.

5. Regarding the allegation of erroneous facts, as made by the learned Additional Advocate General, the learned Senior Counsel, Mr.R.Singaravelan



appearing for the petitioner would submit the review petitioner during the relevant point of time, had not retired from service but relieved from service, consequent to the order of transfer issued by the Government. The review petitioner was transferred vide order dated 29.03.2023, which was served on the petitioner as per him on 21.03.2023 and he was relieved from the post of District Revenue Officer on 10.04.2023. Therefore, the allegation that the review petitioner has passed the order dated 30.03.2023 by putting anti-date, as per the statements of the learned Additional Advocate General is erroneous and the actual date of retirement of the review petitioner was 31.05.2023.

6. The main contention of the review petitioner was that since the review petitioner was not personally impleaded as a party in the Writ Petition and he had subsequently secured the order, there is delay in filing the review petition. Thus, the delay in filing the review petition stands condoned.

7. The learned Senior Counsel, Mr.R.Singaravelan appearing for the petitioner would submit that certain submissions as well as findings made by this Court are based on incorrect statements and that the files were not perused



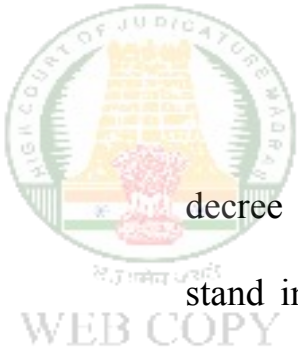
before passing the order. Thus, the order is to be reviewed. The additional typed-set of papers filed by the review petitioner was referred for the purpose of establishing that the review petitioner acted in his capacity as the District Revenue Officer and based on the records, he had passed an order, directing the Tahsildar to grant patta in the name of the writ petitioner / Dharma Thoppu Trust / Arakkattalai. Such an order was passed based on the decree passed by the Civil Court in C.S.No.968 of 2007 dated 14.08.2008 and the order of the Hon'ble Division Bench dated 10.03.2023 in C.M.P.No.10831 of 2021 in W.A.No.1717 of 2021. The order of the Hon'ble Division Bench is admittedly, an interim order, vacating the interim stay granted for disbursement of the compensation by the CMRL to the owner of the property. The lands were acquired for developing metro rail projects.

8. The learned Additional Advocate General, Mr.K.Ramanlaal, opposed the contention of the petitioner by stating that the original files produced before this Court would reveal that certain vital documents are missing and certain discrepancies are also identified by the office of the District Collector. Therefore, the authorities found that some illegalities



occurred for the purpose of obtaining patta in favour of the writ petitioner / Trust and to get disbursement of compensation amount, as fixed by the CMRL, which is running about Rs.150 Crores. In view of the fact that the compensation is on the higher side and certain documents were missing in the original files and by considering the fact that the discrepancies were identified, further actions were initiated by issuing show-cause notice to certain officials based on the report of the Tahsildar. The order passed by the review petitioner dated 30.03.2023 is sought to be implemented by the Dharma Thoppu Trust / Arakkattalai through the Writ Appeal No.1717 of 2021, which was pending during the relevant point of time. Admittedly, the said Writ Appeal was disposed of by the Hon'ble Division Bench finally on 09.08.2023, stating that disputed question of fact and dispute about the title exists, which cannot be entertained by the writ court and the order of the learned Single Judge was confirmed.

9. The learned Additional Advocate General would submit that the interim order vacating the stay order in the Writ Appeal was referred by the review petitioner in his order dated 30.03.2023. Further, he has referred a



decree passed in C.S.No.968 of 2007 dated 14.08.2008. Both these orders stand in favour of the writ petitioner, Dharma Thoppu Trust / Arakkattalai.

The District Revenue Officer has not referred any other orders or the existing title dispute between the parties. One order referred by him is the interim order, vacating the interim stay granted in the Writ Appeal and the other order referred is the *ex-parte* decree passed in C.S.No.968 of 2007. Perusal of the decree would reveal that it is an *ex-parte* decree obtained by the writ petitioner Dharma Thoppu Trust / Arakkattalai. Therefore, a strong doubt has been raised by the Tahsildar, who in turn submitted a report stating that the order of the review petitioner, in his capacity as a District Revenue Officer cannot be implemented, which prompted the writ petitioner to file the Writ Petition seeking implementation of the order passed by the review petitioner and in his capacity as District Revenue Officer in proceedings dated 30.03.2023.

10. No doubt the order of this Court sought to be reviewed by the review petitioner indicates the name of the petitioner i.e., Mr.Jayaraj. Such reference has been made undoubtedly based on the submissions made by the learned Additional Advocate General, Mr.Ramanlaal. When the Writ Petition



was taken up for hearing, the counter-affidavit filed by the Tahsildar, Aminjikai Circle revealed about the case pending between rival groups regarding title of the subject property, which was acquired by the CMRL and the details are as under:-

6. The counter affidavit filed by the Tahsildar Aminjikai Circle reveals that the following cases are pending between various persons:

Sl.No.	Case No.	Filed by
1	C.S.No.599 of 1930	Munusamy Mudaliar
2	E.P.No.1008 of 1934	Sale Certificate issued in the name of Rajarathina Mudaliar
3	O.S.No.2462 of 2002	Dharma Thoppu Trust Arakkattalai against Arulmigu Muppiliamman Devasthanam
4	O.S.No.2775 of 2002	Not available
5	O.S.No.2349 of 2004	Not available
6	C.S.No.968 of 2007	Dharma Thoppu Trust
7	CS.D.No.28143 of 2007	
8	C.S.No.881 of 2009	Dharma Thoppu Trust
9	Criminal O.P.No.25925 of 2012	Meul H.Doshi
10	Criminal O.P.No.25926 of 2012	1.M.S.Ramachandran 2.M.R.Sivakumar



Sl.No.	Case No.	Filed by
11	<i>Criminal O.P.No.26157 of 2012</i>	1.Harshad V.Doshi 2.Yashumathi H.Doshi
12	<i>W.P.No.20392 of 2020</i>	Dharma Thoppu Trust Arakkattalai
13	<i>W.A.No.1717 of 2021</i>	1.Yashoo Madhi Thoshi 2.Doshi Developers Private Limited.
14	<i>C.M.P.No.10831 of 2021 In W.A.No.1717 of 2021</i>	

A perusal of the Town Survey Land Records shows that pattas have been issued in respect of T.S.No.33, Block No.28 of Villivakkam Town effecting four sub divisions as follows:

Block No.	T.S. No.	Classification	Extent Hec. Ares. Sq.mts			Name(s) of the Registered holders
28	33/1	Ryotwari manai	01	03	23.5	M.R.Sivakumar
28	33/2	Circar Poramboke	00	05	57.0	National Highways
28	33/3	Ryotwari Manai	00	20	46.5	Y.Yashumathi Doshi
28	33/4	Ryotwari Manai	01	78	53.0	M.S.Doshi Developers and Builders Pvt.Ltd.
			03	07	80.0	

11. The learned Additional Advocate General made a submission that the then District Revenue Officer, Mr.Jayaraj/ Review petitioner, by putting an



anti-date after attaining the age of superannuation, signed the order and released the same for settling of compensation in favour of the writ petitioner Dharma Thoppu Trust / Arakkattalai. Thus, there was an illegality apparent on record.

12. In paragraph 9 of the order sought to be reviewed, the name of the review petitioner has been mentioned that then District Revenue Officer, Mr.A.R.A.Jayaraj functioned during the relevant point of time and the manner in which he passed an order is a shocking revelation. Thereafter, this Court directed the authorities to conduct an enquiry and prosecute the offenders in the manner known to law. This Court has further passed an order stating that the officials, who have involved in all such illegalities, irregularities and offences are to be prosecuted and Departmental actions are to be initiated, including the review petitioner, Mr.A.R.A.Jayaraj. Such a general direction issued by this Court resulted in filing of the present review application mainly on the ground that the review petitioner was not heard by this Court in the Writ Petition and that he was not personally impleaded as a party respondent.



13. No doubt, the contention of the learned Senior Counsel, Mr.R.Singaravelan is right in that aspect. The review petitioner, Mr.A.R.A.Jayaraj is not a party respondent impleaded in his personal capacity in the writ proceedings. Directions were issued to the authorities to initiate all appropriate actions against the review petitioner and against all the officials, who have involved in such illegalities taking note of the fact that the huge compensation amount of Rs.150 Crores is involved and an attempt was to receive the compensation somehow or other.

14. No doubt, this Court had carried away with an impression that the allegations raised against the officials are serious in nature and the manner in which the patta was ordered to be transferred also raises a serious doubt in the mind of the Court. When a civil dispute is pending between the rival groups and numerous litigations are pending between the parties, the review petitioner referred only the interim order passed in the Writ Appeal and based on the *ex-parte* decree, directed the Tahsildar to transfer the patta, which is, in the opinion of the Court is in violation of the provisions of the Tamil Nadu Patta Passbook Act itself. The idea is to get the patta transferred and to claim



disbursement of compensation amount of about Rs.150 Crores.

WEB COPY

15. Section 3 of the Tamil Nadu Patta Passbook Act, 1983 enumerates the issue of patta. Sub-Section 1 of Section 3 of the Tamil Nadu Patta Passbook Act, 1983 stipulates that *“the Tahsildar shall issue a patta pass book to every owner in respect of land owned by him, on an application made by him in this behalf.”* Rule 4(4) also stipulates pendency of Suit is a bar for grant of patta.

16. Section 2(6) of the Tamil Nadu Patta Passbook Act, 1983 defines *“Owner” means any person holding land in severalty or jointly or in common under a ryotwari settlement or in any way subject to the payment of revenue direct to the Government and includes a full owner or limited owner but does not include a mortgage; lessee or a tenant ;*

17. Therefore, an application under Section 3 of the Tamil Nadu Patta Passbook Act, 1983 is entertainable only if a person is able to establish that he is owner within the meaning of Section 2(6) of the Tamil Nadu Patta Passbook



Act, 1983. In this regard, an enquiry is to be conducted by the Tahsildar. For conducting such an enquiry, notice and opportunity to be issued to all the parties. In the present case, the order passed by the review petitioner dated 30.03.2023 would indicate that notice and opportunities were granted only to the writ petitioner Dharma Thoppu Trust / Arakkattalai. Pertinently, in the Writ Appeal No.1717 of 2021, one Mr. Yashoo Madhi Dhoshi and M/s.Dhoshi Developers Private Ltd., were the appellants. Even in respect of those appellants, no notice was issued, nor enquiry was conducted affording opportunities to all those parties. That apart, even amongst the trust, there are rival groups, claiming right over the property. Those rival groups were not afforded with an opportunity to defend their case in the patta proceedings. Therefore, it is apparently clear that the review petitioner was aware of the interim order passed by the Hon'ble Division Bench in C.M.P.No.10831 of 2021 in W.A.No.1717 of 2021 dated 20.03.2023. Even the writ appeal, appellants were not afforded with an opportunity to participate in the enquiry proceedings conducted by the District Revenue Officer / review petitioner with reference to the order passed by him in proceedings dated 30.03.2023. This raises doubt in the mind of the Court as to whether there is any collusion



or otherwise. However, this Court cannot form any final opinion in this regard, since an enquiry and investigation is directed to be undertaken for the purpose of fixing accountability and to cull out the truth in respect of these serious allegations.

18. No doubt, referring the name of the review petitioner in the writ order without impleading him as a party respondent would have raised certain concern, which resulted in filing of the review petition. While appreciating the arguments of the learned Senior Counsel, Mr.R.Singaravelan in this aspect, question arises as to whether the direction issued by this Court to conduct an enquiry is to be reviewed or not. The name indicated in the Writ Petition, which is sought to be reviewed is not the only issue. The order of this Court dated 25.09.2023 was passed referring the name of the writ petitioner based on the submission made by the learned Additional Advocate General, on instructions and based on the counter filed by the Tahsildar, Aminjikarai. However, this Court has not issued any direction against the review petitioner but issued direction to the competent authorities to conduct an enquiry and investigation and prosecute the offenders, who all are involved in such



illegalities and misconducts.

WEB COPY

19. This Court has perused the original files. The learned Additional Advocate General could not point out certain discrepancies in the original files and the documents produced by the review petitioner by way of additional typed-set of papers before this Court. All such disputed facts cannot be adjudicated neither in the writ proceedings nor in the present review proceedings. All such adjudications are to be done by the competent authorities for the purpose of culling out the truth. The endeavour of this Court is to ensure that the public money is protected and the compensation already determined by the CMRL is paid to the right owner. When the title dispute exists, even amongst the trustees of the writ petitioner/ Trust, the transfer of patta, as directed by the review petitioner in order dated 30.03.2023 cannot be granted. To prevent any illegal withdrawal of the huge amount of compensation running more than Rs.1,50,00,00,000/-, this Court thought fit to direct the authorities to conduct an enquiry and prosecute the persons, who have committed any illegality or irregularity. At the time of issuing such direction, it may not be required for this Court to refer the name of the writ



petitioner but the counter-affidavit filed by the Tahsildar revealed that the District Revenue Officer concerned has passed an order. However, this will not prevent the authorities from continuing the investigating and enquiry against all the officials, who were allegedly involved in any such illegality, offences or other misconducts, including the review petitioner.

20. Merely on this ground, the officials, against whom certain allegations are raised cannot be allowed to escape from the clutches of law. This Court in the writ order has directed the authorities to initiate action against the officials, who have committed any illegality. Therefore, the respondents are bound to proceed with the enquiry in the manner contemplated and by affording opportunity to the official concerned.

21. In view of the title dispute and in order to protect the public money and considering the fact that the writ petitioner Dharma Thoppu Trust / Arakkattalai is a trust registered under the Trusts Act, wherein internal disputes are pending, this Court thought fit to direct the AG&OT to take over the administration of the writ petitioner trust with immediate effect and secure



all the records, details and belongings etc., and proceed to administer the Trust in the manner contemplated under the Trust Deed.

22. The AG&OT is directed to fulfil / comply with the objectives of the Trust, as stated in the Trust Deed without any deviation or otherwise. In the event of any doubt or any further clarifications are required, the AG&OT is at liberty to approach this Court for further orders. The AG&OT is further directed to initiate necessary action to secure the compensation amount already deposited by the CMRL in LAOP No.04 of 2024 before the City Civil Court, Chennai vide letter dated 05.01.2024 in NA.KA.C5/004/2022 for a sum of Rs.141,75,09,865/- in the Indian Bank Branch, Abiramapuram vide D.D.No.138985 dated 19.10.2023 and in LAOP No.05 of 2024 before the City Civil Court, Chennai vide letter dated 05.01.2024 in NA.KA.C5/014/2022 for a sum of Rs.12,26,02,332/- in the Indian Bank Branch, Abiramapuram vide D.D.No.138986 dated 19.10.2023. Necessary applications are to be filed to transfer the compensation amount in the name of the AG&OT for the purpose of administering the Trust.



23. Enquiry to be conducted against all the erred officials, who have involved in such serious allegations, including the review petitioner, if any such allegations are identified. All the officials, who have allegedly involved in huge scam/illegalities are to be enquired and the truth must be culled out in the manner known to law and the alleged offenders are to be prosecuted, including initiation of Departmental proceedings.

24. It is brought to the notice of this Court by the learned Additional Advocate General that the review petitioner has passed about 10 orders on the same date ie., 30.03.2023 and all the orders are now being scanned by the higher officials. The review petitioner Dharma Thoppu Trust / Arakkattalai, represented by its Managing Director, Mr.Ranga alias Ranga Reddy is directed to hand over all the trust records temporarily to the AG&OT immediately, failing which AG&OT is directed to seize the files and other properties in order to administer the trust temporarily in the manner known to law.



25. Accordingly, the review application stands disposed of. No costs.

05.02.2024

skr

Index : Yes

Speaking order

Neutral Citation : Yes

To

1. The Managing Trustee, Dharmaa Thoppu Trust / Arakkattalai,
Mrs.S.Ranga @Ranga Reddy, 265, M.T.H. Road, Villivakkam,
Chennai – 600 049.
2. The District Collector, Chennai District,
Chennai Collector Office, Singaravelar Maaligai,
Chennai – 600 001.
3. The District Revenue Officer,
Chennai District, Chennai Collector Office,
Singaravelar Maaligai, Chennai – 600 000.
4. The Revenue Divisional Officer,
Chennai Central, Thirumangalam,
Anna Nagar West, Chennai – 600 030.
5. The Tahsildar,
Aminjikarai Taluk,
Aminjikarai, Chennai – 600 030.
6. The Commissioner of Land Administration,
Chepauk, Chennai – 600 005.



WEB COPY



Review Application (Writ) No.31 of 2024

S.M.SUBRAMANIAM, J.

skr

7. The Managing Director, Chennai Metro Rail Project Limited,
Nandanam, Chennai – 35.
8. The Administrator General and Office Trustee of High Court of Madras,
Madras High Court Campus, Chennai – 104.

Review Application (Writ) No.31 of 2024

05.02.2024