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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-06-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

And

THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

WA No.1256 of 2018

And

CMP No.10364 of 2018

1.State of Tamil Nadu,
Represented by its Secretary to Government,
Revenue Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Tahsildar,
Egmore-Nungambakkam Taluk,
Chennai-600 031.

.. Appellants

-VS-

S.Mitra Srikanth

.. Respondent

Writ Appeal is preferred under Clause 15 of the Letters Patent against the order passed by this Court in WP No.30952 of 2007 dated 08.10.2014.



For Appellants : Mr.R.Ramanlaal,
Additional Advocate General
Assisted by Mr.T.Arunkumar,
Additional Government Pleader.

For Respondent : Mr.Rahul Balaji

J U D G M E N T

[JUDGMENT OF THE COURT WAS DELIVERED

BY S.M.SUBRAMANIAM, J.]

The Intra Court Appeal has been instituted challenging the order dated 08.10.2014 passed in WP No.30952 of 2007.

2. The State preferred the present appeal mainly on the ground that the respondent himself had admitted the fact that the subject land is classified as 'Grama Natham'. When it is 'Grama Natham' land, the Government is empowered to regulate by following the procedures as contemplated under the Revenue Standing Orders and the concept of 'Grama Natham' land do not vest with the Government has been overturned by this Court by considering the legal position and the earlier judgments of the Courts in the case of **S.Anbananthan vs. District Collector, Perambalur District [2024 (1) CWC 438]**.

3. Mr.Rahul Balaji, learned counsel appearing on behalf of the



respondent would fairly submit that pursuant to the interim order dated 27.09.2011 passed in WP No.16651 of 2011, the subject land had been handed over to the Government and they have taken possession of the said land. That apart, it is contended that the civil suit is also pending in respect of certain portions of the property.

4. The learned Single Judge made a finding that the respondent is entitled for patta. The writ was allowed by issuing a direction not to disturb the peaceful possession of the respondent with reference to the subject land, which has been classified as 'Grama Natham'.

5. Mr.R.Ramanlal, learned Additional Advocate General, appearing on behalf of the appellants, would oppose by stating that nearby adjacent properties are also classified as 'Grama Natham' and part of the area is Koovam River, which is water body. The Government has initiated action to evict encroachers in water body and to restore 'Grama Natham' lands in order to regulate it by following the procedures as contemplated under the Revenue Standing Orders.

6. The learned Additional Advocate General would submit that



two Division Bench judgments are delivered by this Court. One in the case of **K.Shanmugavel Mudaliar vs. The Secretary, Government of Tamil Nadu, Department of Revenue and others [2024 (2) LW 597]**. Another Division Bench order in the case **S.Anbananthan vs. District Collector, Perambalur District [2024 (1) CWC 438]**, this Court elaborately considered the earlier judgments of this Court on the 'Grama Natham' lands. It is needless to state that the later judgment in the case of **S.Anbananthan** (cited supra) will prevail over in respect of the legal principles to be followed.

8. The Division Bench of this Court in the case of **S.Anbananthan** (cited supra), ruled that all earlier judgments running counter to the legal principles and the Revenue Standing Orders have denuded to lose its status as precedent. Therefore, those judgments running counter to the legal principles settled in **S.Anbananthan's** case (cited supra). need not be followed for the purpose of dealing with the 'Grama Ntham' lands.

9. The later judgment in **S.Anbananthan's** case (cited supra),



the Division Bench of this Court considered the origin of 'Grama Natham' lands, brief history of Land Revenue Settlement in the State of Tamil Nadu, Tamil Nadu Land Encroachment Act, 1905, Natham Survey and Settlement, judgment recognises the duty of the Government towards 'Grama Natham' lands, 'Grama Natham' in the Estate Abolition Act and views/judgments, the State has no right over 'Grama Natham' lands. The case details on the ground of distinction has been elaborately dealt with by the Division Bench of this Court in the case **S.Anbananthan** (cited supra). Therefore, it is needless to state that the Government is empowered to regulate the 'Grama Natham' lands by following the due process and in accordance with law.

10. Mr.Rahul Balaji, the learned counsel for the respondent would submit that the subject land has already been handed over to the Government pursuant to the interim order dated 27.09.2011 passed in WP No.16651 of 2011. However, the learned Additional Advocate General would submit that larger extent of land has been classified as 'Grama Natham' lands and Koovam River, which is a water body, is also under encroachment. It is for the Government to initiate all appropriate actions in the manner known to law.



11. The learned Single Judge has granted the relief in favour of the respondent, which is not in consonance with the legal principles settled in **S.Anbananthan's** case (cited supra) and consequently, we are inclined to interfere.

12. Accordingly, the the writ order impugned dated 08.10.2014 passed in WP No.30952 of 2007 is set aside. Consequently, the Writ Appeal stands allowed. However, there shall be no order as to costs. The connected miscellaneous petition is closed.

(S.M.SUBRAMANIAM,J.) (C.KUMARAPPAN,J.)

12-06-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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To



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S.M.SUBRAMANIAM, J.
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WA 1256 of 2018

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