



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27-03-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

And

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

WA Nos.715 and 874 of 2022

And

CMP Nos.4948 and 5847 of 2022

S.Senthilkumar

.. Appellant in both WAs

-VS-

S.Jeyaprakash

.. R-1 in both WAs

The District Revenue Officer,
Thiruvallur District,
Thiruvallur.

.. R-2 in both WAs

The Revenue Divisional Officer,
Ambattur,
Thiruvallur District.

.. R-3 in both WAs

The Tahsildar,
Poonamallee Taluk,
Thiruvallur District.

.. R-4 in WA 715/2022



The Tahsildar,
Maduravoyal Taluk,
Maduravoyal,
Thiruvallur District.

.. R-4 in WA 874/2022

The District Collector,
Thiruvallur.

.. R-5 in WA 715/2022

WA No.715 of 2022 is preferred under Clause 15 of Letters Patent Act, against the order passed by this Court in WP No.20002 of 2020 dated 12.01.2022.

WA No.874 of 2022 is preferred under Clause 15 of Letters Patent Act, against the order passed by this Court in WP No.11547 of 2017 dated 12.01.2022.

For Appellant in both Was : Ms.Vasudha Thiagarajan

For Respondent-1 in both WAs : Mr.P.Krishnan

For Respondents-2 to 5 in
WA 715/2022, R-2 to
R-4 in WA 874/2022 : Mr.A.Selvendran,
Special Government Pleader.



COMMON JUDGMENT

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[COMMON JUDGMENT OF THE COURT WAS DELIVERED

BY S.M.SUBRAMANIAM, J.]

WA No.715 of 2022 has been filed against the judgment dated 12.01.2022 passed in WP No.20002 of 2020.

2. WA No.874 of 2022 has been filed against the judgment dated 12.01.2022 passed in WP No.11547 of 2017.

3. The Writ Court granted status quo, till such time, the District Revenue Officer, Thiruvallur dispose of the revision petition, which was pending during the relevant point of time.

4. The District Revenue Officer is the Competent Revisional Authority to conduct an enquiry, take decision and pass appropriate orders on merits.



5. The District Revenue Officer is competent to decide the issues with reference to the provisions of the Patta Pass Book Act and other relevant statutes.

6. Mr.A.Selvendran, learned Special Government Pleader, appearing on behalf of the respondents, states that the subject land is classified as 'Anadheenam' and absolutely vest with the Government.

7. The appellant claims right over the property.

8. Under these circumstances, the District Revenue Officer has to conduct an enquiry, verifying the revenue records by affording opportunity to all the parties concerned, take decision and pass appropriate orders on merits and in accordance with law.

9. Since the learned Single Judge directed the District Revenue Officer to conduct an enquiry and pass appropriate orders, the present writ appeal is unnecessary. The learned Single Judge in WP Nos.11547 of 2017



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and 20002 of 2020, in paragraph-8, made the following observations:-

"8. As directed by this Court, the fifth respondent filed status report, which revealed that there was a procedure flaw in the orders passed by the then Tahsildar, Ambattur in the proceedings dated 18.12.2001 and 02.01.2002 as the land classified as 'Anadheenam' which is a Government poramboke land. Since the order passed by the then Thasildar, Ambattur is in question, the subsequent orders passed by the then Tahsildar, Maduravoil in his proceedings RC.No.141/2014/ B1 dated 04.04.2014 and 18.05.2015 and the order passed by the Revenue Divisional Officer, Ambattur in his proceedings in RC.No.1730/2015/ A2 dated 05.04.2016 are null and void. Therefore, only after obtaining the genuineness of the order passed by the Settlement Officer Thanjavur dated 18.08.1993 and Estate Abolition Tribunal in Appeal No.1 of 1994 dated 30.03.1998 from the Settlement Officer, further action will be processed in accordance with law."

Therefore, the disputed issues relating to the facts regarding the classification of the land and the rights of the parties, are to be determined only by conducting an enquiry.



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10. Mr.S.Jeyaprakash / first respondent has filed the revision petition before the Revenue Divisional Officer. The disputed facts are to be adjudicated with reference to the original documents and evidence available on record. Thus, we are not inclined to consider the claims set out between the parties.

11. With the above observations, both the writ appeals are disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

(S.M.SUBRAMANIAM,J.) (K.RAJASEKAR,J.)

27-03-2024

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

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- 1.The District Revenue Officer,
Thiruvallur District,
Thiruvallur.
- 2.The Revenue Divisional Officer,
Ambattur,
Thiruvallur District.
- 3.The Tahsildar,
Poonamallee Taluk,
Thiruvallur District.
- 4.The Tahsildar,
Maduravoyal Taluk,
Maduravoyal,
Thiruvallur District.
- 5.The District Collector,
Thiruvallur.



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WA Nos.715 and 874 of 2



S.M.SUBRAMANIAM, J.
AND
K.RAJASEKAR, J.

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WAs 715 and 874 of 2022



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WA Nos.715 and 874 of 2



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