



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8532 of 2019

Godrej Agrovat Limited

... Petitioner

Vs.

1. The District Collector,
Ariyalur District, Ariyalur.

2. The Revenue Divisional Officer,
Ariyalur.

3. The Tahsildar,
Ariyalur Taluk, Ariyalur.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to incorporate the transfer of ownership detail relating to S.Nos.374 and 383/1 of Varanavasi Village, Ariyalur Taluk, Ariyalur District in the name of the petitioner in revenue records and further delete the classification of S.Nos.374 and 383/1 as Eri and Meichaltharisu in revenue records respectively within a stipulated time.



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For Petitioner : Mr.M.S.Krishnan,
Senior Counsel
for M/s.Sarvabhauman Associates

For Respondents : Mr.R.Ramanlaal,
Additional Advocate General
assisted by Mr.G.Ameedius,
Government Advocate

ORDER

The writ on hand has been instituted to direct the respondents to incorporate the transfer of ownership details relating to S.Nos.374 and 383/1 of Varanavasi Village, Ariyalur Taluk, Ariyalur District in the name of the petitioner in revenue records and further delete the classification of S.Nos.374 and 383/1 as “Eri and Meichaltharisu” in revenue records respectively within a stipulated time.

2. The facts in brief are that as per G.O.Ms.390, Agriculture Department dated 24.12.2001, M/s.Cauvery Palm Oil Ltd., was selected as a sole beneficiary organization for setting up of the demonstration unit of the oil processing mill of 2.5 ton per hour capacity in an extent of 3.40.5 hectares of land in S.Nos.374 and 383/1 of Varanavasi Village, Ariyalur Taluk, Ariyalur District, subject to certain conditions. Subsequent to



the same, as per Ariyalur District Gazette dated 07.03.2002, among the said lands, an extent of 2.13.5 hectares, comprised in S.No.374, which were classified in the revenue records as “Eri Poromboke” were excluded from Section 134(3) of Tamil Nadu Panchayats Act, 1994. As per G.O.Ms.No.340, Revenue Department dated 02.08.2002, the extent comprised in the above S.No.374 along with another extent of 1.27.0 hectares, which is comprised in S.No.383/1 and classified in the revenue records as “Grass Lands (மேய்ச்சல் தரை)”. Thus, totalling an extent of 3.40.5 Hectares were transferred to M/s.Cauvery Palm Oil Ltd., as per the RSO 24-A along with certain conditions.

3. Subsequent to the issuance of G.O.Ms.340 dated 02.08.2002, the then District Collector, Perambalur vide proceedings dated 16.08.2002 had issued orders for enter upon permission on certain conditions. Thereafter, on remittance of requisite fee towards the land costs, amounting to Rs.3,77,494/- , the then District Collector, Perambalur had issued proceedings on 29.08.2002, transferring the above said lands to M/s.Cauvery Palm Oil Ltd., together with certain conditions. After that, the then District Collector, Perambalur had transferred the demised land to M/s.Cauvery Palm Oil



limited and also effected mutation in the revenue records namely 'A' Register, Field Map etc., The then District Collector, Perambalur had issued individual Patta No.1243 to the said company under Patta Passbook No.147041, vide Order No.103/1412 dated 05.09.2002.

4. The Revenue Divisional Officer, Ariyalur/ 2nd respondent on perusal of the documents in the subject matter found that for the demised lands, which were transferred to M/s.Cauvery Palm Oil Ltd., mutation in the revenue records are only to be made and patta should not be issued. Hence, the 2nd respondent, by proceedings dated 04.09.2003, cancelled the patta issued by the then Tahsildar, Ariyalur. Things being so, the then Tahsildar, Ariyalur, while cancelling the patta that was already issued in favour of M/s.Cauvery Palm Oil Ltd., has also reclassified the S.Nos.374 & 383/1 as “ஏரி குட்டை(water body)” and “மேய்ச்சல் தரை” in the concerned revenue records. Meantime, the Hon'ble High Court of Bombay in Company Scheme Petition No.41/2012 has ordered for amalgamation of M/s.Cauvery Palm Oil Ltd., with M/s.Godrej Agrovat Ltd., (petitioner herein). A request was made to the District Collector, Ariyalur to issue the Land Ownership Certificate in the name of the petitioner company i.e., Godrej Agrovat Ltd.,



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5. The petitioner company also by letter dated 05.11.2012 addressed the District Collector, Ariyalur about the order passed by the Hon'ble High Court of Bombay and the change of name of the company. Further request was made to restore the patta that was cancelled pursuant to the orders of the Revenue Divisional Officer in proceedings dated 04.09.2003. The petitioner can request for land ownership certificate in their favour on the basis of merger / amalgamation. Request for mutation of revenue records were also made. However, the fact remains that the mutation was not effected in the revenue records in the name of the petitioner company.

6. In view of the above facts, the 1st respondent/District Collector, Ariyalur informed M/s.Cauvery Palm Oil Ltd., by letter dated 28.08.2012 to the effect that the request for mutation in revenue records in the name of the petitioner company cannot be effected based on the letter dated 17.08.2012 of the then Tahsildar, Ariyalur Taluk. The 2nd respondent informed the above position to M/s.Cauvery Palm Oil Ltd., vide Letter dated 30.10.2012 to the



effect that in as much as the village accounts pertaining to S.Nos.374 and 383/1 does not reflect their name, the request of effecting mutation in the village accounts in the name of the petitioner cannot be conceded. The 3rd respondent also by letter dated 03.10.2012 informed that M/s.Cauvery Palm Oil Ltd., the factum of cancellation of patta issued in their favour as per their order dated 04.09.2003 issued by the Revenue Divisional Officer.

7. When the background of the case stands as stated above, the learned Senior Counsel for the petitioner, Mr.S.Krishnan would state that the Government Order, initially issued in G.O.Ms.No.390, Agriculture Department dated 24.12.2001 would be sufficient to form an opinion that the subject property has been transferred in the name of the M/s.Cauvery Palm Oil Ltd., Subsequently, the Government issued an order in G.O.Ms.340, Revenue Department dated 02.08.2002, wherein the land was alienated in favour of the M/s.Cauvery Palm Oil Ltd., on certain conditions. Based on the Government Orders, the District Collector had issued proceedings dated 16.08.2002, granting enter upon order of the subject property in favour of the petitioner. Accordingly, the petitioner established a Palm Oil Factory in the subject property. The order of the District Collector would reveal that the



Government land is to be utilized for the purpose for which it was alienated and the factory should not cause any inconvenience or obstructions to the school-going children and the people of that locality.

8. The learned Senior Counsel, Mr.S.Krishnan would submit that the factory is functioning as of now and there is no complaint or otherwise against the petitioner company. On account of merger / amalgamation on M/s.Cauvery Palm Oil Ltd., the petitioner company took over the administration and submitted an application for the transfer of patta in their name. Since, it was rejected, the present Writ Petition came to be instituted.

9. Mr.S.Krishnan, Learned Senior Counsel would urge this Court by stating that the Government transferred the subject property in the name of erstwhile M/s.Cauvery Palm Oil Ltd., and therefore, the petitioner is entitled for such name transfer. The reference made by the Revenue Divisional Officer about RSO 24-A has no application at all. RSO 24-A is applicable only in respect of temporary occupation of Government lands and in the present case, the Government had passed orders transferring the land in



favour of erstwhile M/s.Cauvery Palm Oil Ltd., and therefore, the authorities have erroneously applied RSO 24-A in the case of the petitioner.

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10. The learned Additional Advocate General, Mr.Ramanlaal, would strenuously oppose the contentions raised on behalf of the petitioner by stating that the subject property has been admittedly classified as “ஏரி குட்டை(water body)” and “மேய்ச்சல் தரை”. “ஏரி குட்டை” is a water body and the patta transferred in the name of M/s.Cauvery Palm Oil Ltd., by the Tahsildar, Ariyalur was cancelled by the Revenue Divisional Officer in the year 2003. “மேய்ச்சல் தரை” also cannot be transferred in favour of individuals as per the Revenue Standing Orders and therefore, the Writ Petition is liable to be rejected. It is further contended that the order of cancellation of patta issued by the Revenue Divisional Officer under the provisions of the Tamil Nadu Patta Passbook Act, 1983 has not been challenged and based on the cancellation of patta, mutations were effected in the revenue records and the said revenue records continued for the past about 20 years.

11. That apart, the request made by the petitioner was also rejected.



They have no right to hold the property on account of the cancellation order passed in the year 2003 and based on the communication given by the Collector in the year 2012. These facts were not disputed between the parties.

Thus, the Writ of Mandamus at this length of time is not entertainable.

12. Considering the arguments as advanced between the learned Senior Counsel for the petitioner, Mr.S.Krishnan and Learned Additional Advocate General, Mr.Ramanlal, the undisputed facts between the parties would reveal that the Government initially issued G.O.Ms.319, selecting M/s.Cauvery Palm Oil Ltd., as sole beneficiary organization for setting up of demonstration unit of oil processing mill. The Government granted alienation of the property by recovering the cost and further, knowing the fact that the lands alienated were classified as “ஏரி குட்டை(water bodies)” and “மேய்ச்சல் தரை”. Based on the Governmental orders, an enter upon permission was granted by the District Collector in proceedings dated 16.08.2002. Erstwhile M/s.Cauvery Palm Oil Ltd., paid the land cost amounting to Rs.3,77,494/-. Thereafter, the petitioner commenced their business by setting up a factory in the Government land alienated in their favour.



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13. The Revenue Divisional Officer, Ariyalur, on perusal of the documents in the subject matter found that for the demised lands, which were transferred to Erstwhile M/s.Cauvery Palm Oil Ltd., mutation in the revenue records only to be made and patta should not have been issued. Thus, the Revenue Divisional Officer/ 2nd respondent vide proceedings dated 04.09.2003 has cancelled the patta granted in favour of erstwhile M/s.Cauvery Palm Oil Ltd., by the then Tahsildar, Ariyalur. Thereafter, the subject land in S.Nos.374 and 383/1 were reclassified as “ஏரி குட்டை(water bodies)” and “மேய்ச்சல் தரை” in the concerned revenue records.

14. Pertinently, the order cancelling the patta issued on 04.09.2003 remains unchallenged. The reclassification done in the year 2003 by the revenue authorities and classified the subject property as “ஏரி குட்டை(water bodies)” and “மேய்ச்சல் தரை” also remain unchallenged. The Company Scheme Petition was filed in the year 2012 and the Hon'ble High Court of Bombay ordered for amalgamation of M/s.Cauvery Palm Oil Ltd., with M/s.Godrej Agrovet Ltd., Even in the year



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2012, the District Collector issued a communication to the erstwhile M/s.Cauvery Palm Oil Ltd., stating that the Government lands were classified as “ஏரி குட்டை (water bodies)” and “மேய்ச்சல் தரை” in the year 2003 and the patta granted in the name of erstwhile M/s.Cauvery Palm Oil Ltd., was cancelled by the Revenue Divisional Officer under the provisions of the Tamil Nadu Patta Passbook Act. Even then, the petitioner has not challenged the said order of the Tahsildar dated 03.10.2012 and the order of the District Collector dated 28.08.2012. The Revenue Divisional Officer, Ariyalur also communicated a report to the District Collector on 30.08.2012, which was also communicated to the erstwhile M/s.Cauvery Palm Oil Ltd.,

15. When all these proceedings were connected to the erstwhile M/s.Cauvery Palm Oil Ltd., and knowing the fact that the patta granted in the name of erstwhile M/s.Cauvery Palm Oil Ltd., was cancelled by the Revenue Divisional Officer in the year 2003, now after a lapse of about 16 years, the petitioner has chosen to file the present writ of mandamus, seeking a direction to incorporate the transfer of ownership details relating to S.Nos.374 and 383/1 of Varanavasi Village, Ariyalur Taluk in the name of the petitioner and the revenue records and delete the classification of the



subject land as “ஏரி குட்டை (water bodies)” and “மேய்ச்சல் தரை” in the revenue records.

16. Regarding the water bodies, reclassification cannot be ordinarily done even by the Government. The Apex Court and Constitutional Courts across the Country have time and again reiterated that water bodies are to be protected in the interest of public.

17. In the present case, the classification of the subject property remains as “ஏரி குட்டை (water bodies)” and “மேய்ச்சல் தரை” for the past about 20 years and patta, which was granted erroneously by the Tahsildar was cancelled by the Revenue Divisional Officer vide proceedings of the year 2003.

18. When these facts are not disputed between the parties, this Court is of the considered opinion to issue a direction to mutate the revenue records



or to reclassify the subject property which remains as “ஏரி குட்டை (water bodies)” and “மேய்ச்சல் தரை” cannot be considered and more so, the petitioner could not able to establish any other reason for the purpose of considering the relief.

19. Accordingly, the Writ Petition stands dismissed. No costs.

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Index : Yes

Speaking order

Neutral Citation : Yes

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