



W.P.No.11919 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11919 of 2018

P.George Giri

...Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Revenue Department,
Fort St. George, Chennai, Tamilnadu – 600 009.
2. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Forest Department,
Fort St. George, Chennai, Tamilnadu – 600 009.
3. The Collector,
Nilgiris District, Collectorate,
Udagamandalam, Nilgiris, Tamilnadu.
4. The Settlement Officer (Gudalur Janmam Estates),
RDO Office Complex,
Gudalur, Nilgiris District, Tamilnadu.

...Respondents

Petition filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records of the respondents in proceedings dated 30.06.2017 and quash the same and direct the



W.P.No.11919 of 2018

respondents to reconsider the representations dated 30.12.1974, 22.12.1978, 1999, 15.02.2000, 10.07.2004, 14.08.2004, 14.12.2007, 15.06.2017 and grant ryotwari patta to the petitioner based on the personal cultivations by his father during the prescribed agricultural years (1966-1969) on the land of the petitioner, an extent of 3.12 acres in Re Survey No.1466/1 part, 1466/2 part (O.S.No.176/1) of Nelliyalam Village, Pandalur Taluk, Nilgiris District, Tamil Nadu and to direct to grant ryotwari patta to the Dwelling house No.13/370 (New No. 19/103) comprising an extent of 0.38 acres, along with its appurtenants and motorable truck road leading to it (0.29 acres).

For Petitioner : Mr.P.George Giri (Party in Person)

For Respondents : Mr.U.Baranidharan, AGP

ORDER

This Writ petition has been filed seeking quashment of the proceedings of the respondents dated 30.06.2017 and to consequently direct the respondents to reconsider the representations dated 30.12.1974, 22.12.1978, 1999, 15.02.2000, 10.07.2004, 14.08.2004, 14.12.2007, 15.06.2017 and grant ryotwari patta to the petitioner, based on the personal cultivations done by his father during the prescribed agricultural years (1966-1969) on the subject land and in furtherance to grant ryotwari patta to the Dwelling house No.13/370 (New No. 19/103) measuring an extent of 0.38 acres.



W.P.No.11919 of 2018

2. The case of the petitioner is that his father was in possession and enjoyment of the property comprised in Re-Survey No.1466/1 part, 1466/2 part measuring an extent of 3.12 acres in Nelliyalam Village, Pandalur Taluk, Nilgiris District and the petitioner's father has constructed a dwelling house measuring 0.38 acres and he was in possession and enjoyment of the same peacefully. Even during the lifetime of his father, he requested the respondents to grant him Riotwari patta, however, it was not considered. Subsequently, the petitioner's father died on 24.12.1999 and thereafter, the petitioner continued to request the respondents to grant him Riotwari patta. For this purpose, the petitioner also submitted an application dated 10.07.2004 to the Settlement officer. However, without considering the said application, during the year 2007, the respondents threatened to evict the petitioner by issuing a notice, affixed on the door of his house. Therefore, the petitioner filed W.P.No.27940 of 2007 and this Court, vide order dated 03.09.2007 directed the respondents to consider the petitioner's application in accordance with Section 9 or under section 17 of the Act. On the basis of such order, the petitioner submitted an application on 14.12.2007 seeking to issue Riotwari patta in his favour. Further, it is pertinent to note that, the petitioner and his siblings were born and brought



W.P.No.11919 of 2018

up in the property in question and his father paid revenue taxes to the respondents and after the death of his father, the petitioner continued to pay the taxes and charges to the government. Further, it is the fervent plea of the petitioner that he is in occupation of the subject property for more than 50 years along with his family members and he was also requesting the respondent/settlement officer to conduct enquiry on the basis of his application, but no such enquiry has been conducted. Therefore, the petitioner sent a letter to the settlement officer to ascertain the status of his application. However, by order dated 30.06.2017, the petitioner's application was rejected by the 4th respondent. Challenging the same, the petitioner has come up with this writ petition.

3. Learned Additional Government Pleader appearing on behalf of the respondents submitted that, though this Court while disposing the W.P.No.27940 of 2007 on 03.09.2007 directed the respondents to entertain the application of the petitioner, however, no application was filed by the petitioner and he made a representation only 15.06.2014 before the Settlement Officer, Janmam Lands, Gudalur and has requested to consider the petitioner's patta



W.P.No.11919 of 2018

application dated. 14.12.2007 and the Settlement Officer, vide reference R.C.No.243/2017 dated.30.06.2017 rejected the petitioner's representation on the ground that no claim petition was received in the Office of the Settlement Officer as claimed by the petitioner, against which, the petitioner filed W.P.No.26819 of 2017 before this Court and the same was dismissed, vide order dated 13.10.2017 with an observation that *"It is seen that already by an order dated 30.06.2017 issued by the District Revenue Officer, Gudalur the request of the petitioner for grant of ryotwari patta was rejected. Even though the said order was passed on 30.06.2017, without challenging the same, the petitioner filed the present Writ Petition seeking for a direction to the respondents to entertain the application filed by him. I find that the petitioner is not entitled to maintain this Writ Petition, without challenging the said order. Accordingly this Writ Petition is dismissed, however, by granting liberty to the petitioner, to challenge the order dated 30.06.2017 in the manner known to law"*. The petitioner has not submitted claim petition within six months as per Rule 8(1) of the Janmam Estates(Abolition and Conversion into Ryotwari) Rules 1974 and even within the period of limitation prescribed by this Court in W.P.No.22501 of 2007 and Batch dated 16.08.2007. Pursuant to the same, the



W.P.No.11919 of 2018

petitioner filed W.P.No.11919 of 2018, challenging the proceedings of the respondent dated 30.06.2017 and to grant ryotwari patta to the petitioner in respect of the subject land. The application for ryotwari patta in Form-4 should be filed before the Settlement officer within six months from the appointed day ie., 27.11.1974 and the time barred application cannot be admitted for enquiry as per Rule 25(2) of the Janmam Estate (Abolition and Conversion into Ryotwari) Rule 1974. Therefore the petitioner's application dated 10.07.2004 itself was time barred and the petitioner has not submitted any proof of evidences for cultivation during the year 1966 to 1969 to show that claim petition were filed on 17.08.2004 and during the year 2007. Further, on perusal of the application register maintained in the office reveals that no applications or representations as stated by the petitioner are pending in the office of the Settlement Officer, Janmam lands, Gudalur and the representation dated 15.06.2017 made by the petitioner was also rejected by the Settlement Officer vide impugned order bearing reference R.C.No.243/2017 dated 30.06.2017 and the said order passed by the 4th respondent is perfectly in order and it does not call for any interference of this Court. Accordingly, he prayed for dismissal of this Writ petition.



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4. Heard the petitioner/party-in-person and the learned counsel appearing on behalf of the respondents and perused the materials available on record.

5. According to the petitioner, his father was in possession of the subject property and after the demise of his father, he continued to remain in possession of the subject property. It is the specific plea of the petitioner that, inspite of repeated applications submitted to the then Settlement officer, Riotwari patta has not been granted to him. It is also the case of the petitioner that several other lands owners were given Riotwari patta and he alone was discriminated by the respondents.

6. It is seen from the records that earlier the petitioner filed W.P.No.26819 of 2017 and the same was dismissed by this Court by order dated 13.10.2017 by specifically observing that, when an order dated 30.06.2017 has been passed by the 4th respondent, the petitioner, without challenging the said order has filed this writ petition and thereby by order dated 13.10.2017, this Court, while dismissing the said petition, granted liberty to the



W.P.No.11919 of 2018

petitioner to challenge the order dated 30.06.2017 passed by the 4th respondent.

Pursuant to the same, the petitioner has come up with this writ petition.

7. It is seen from the impugned order that as directed by this Court in the earlier writ petition in W.P.No.22501 of 2007 dated 16.08.2007, the petitioner did not file an application in the prescribed Form-4, as contemplated under Sections 8 to 10 of the Tamilnadu Gudalur Janmam Estates (Abolition and Conversion into Ryotwari) Act, 1969. It is further stated that, u/s. 8 to 10 of the said act, an application seeking Riotwari patta ought to have been filed on or before 27.11.1974. Even in the typed set of papers, vide Sl.No.9, an application dated 30.12.1974 has been enclosed and admittedly, such an application ought to have been filed on or before 27.11.1974.

8. Even otherwise, when this Court specifically directed the petitioner to submit an application by extending the time ie., on or before 31.10.2007, the petitioner failed to submit such an application. On the other hand, only on 14.12.2017, as could be evident from the typed set of papers, the petitioner submitted an application, which is belated. Therefore, it is submitted that the



W.P.No.11919 of 2018

application submitted by the petitioner is in contravention to sections 8 to 10 of the said act.

9. In such view of the matter, the mere possession of the property in question by the petitioner will not entitle him for Riotwari patta to be issued in his name. Therefore, the claim of the petitioner for granting Riotwari patta is not only belated but it is also devoid of merits.

10. For the reasons aforesaid, this Writ Petition stands dismissed. No costs.

19.10.2024

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NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No

To:

1. The State of Tamil Nadu,

Page No.9 of 11



W.P.No.11919 of 2018

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M.DHANDAPANI, J.

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W.P.No.11919 of 2018

W.P.No.11919 of 2018

19.10.2024