



WEB COPY



W.P.No.27110 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

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1.S.Gopi
2.S.Kala
3.S.Sujatha
4.S.Priya
5.V.Shanthi
6.R.Suganya
7.Valarmathi
8.J.Kannammal
9.J.Suresh
10.J.Kalpana
11.J.Govindaraj

... Petitioners

vs.

The Commissioner,
Land Administration,
Chepauk,
Ezhilagam,
Chennai.

... Respondent

Prayer: Writ Petition filed under Article 227 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the respondent dated 31.10.2023 made in



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K5/5810514/2023 and to quash the same and consequently direct the respondent to issue Ryotwari Patta in favour of the petitioners for the land compressing in Survey number 33/4 to an extent of 18 acre 10 cent to an extend of situated at Padianallur Village, Ponneri Taluk, Thiruvallur District.

For Petitioners : Mr.Col.Dr.Edwin Jesudoss
For Respondent : Mr.P.Sathish
Additional Government Pleader

ORDER

Aggrieved by the order passed by the respondent rejecting the claim for issue of settlement patta, the petitioners have come before this Court.

2. It is the case of the petitioners that the land measuring an extent of 18 acres 10 cents in Survey number 33/4 situated at Padianallur Village, Ponneri Taluk, Thiruvallur District is their ancestral property.

3. The petitioners made a detailed representation to the first respondent on 31.10.2023 requesting him to issue ryotwari patta under the



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provision of Tamil Nadu Estate Abolition Act 1948. The said representation was rejected by the first respondent mainly on the ground that the claim of the petitioners was considered even during the settlement Proceedings under the Act. Therefore, there is no possibility to reopen the issue after 65 years.

4. It is also seen that as per G.O.Ms.No.714, CT and RE Department, dated 29.06.1987, the cut off date for applying for settlement patta under the relevant enactment was fixed as 20.08.1987. Therefore, the application of the petitioner cannot be considered after the cut off date. Further the Act itself viz., Tamil Nadu Estate Abolition Act 1948 was repealed by Tamil Nadu Act 16/2023.

5. Therefore, when the main Act itself is repealed, there is no possibility for considering the request of the petitioners for grant of ryotwari patta under the repealed Act.



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6. Accordingly, this writ petition stands dismissed. However, it

is always open to the petitioners to workout their remedy before the Civil

Court in the manner known to law. No costs.

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Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

WEB COURT

The Commissioner,
Land Administration,
Chepauk,
Ezhilagam,
Chennai.



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S.SOUNTHAR, J.

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