



W.P.Nos.5267 & 5616 of 2021

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on 27.09.2023

Order delivered on 12.01.2024

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.Nos.5267 & 5616 of 2021
and
W.M.P.Nos.5824 & 26342 of 2021
and
W.M.P.No.8493 of 2023

W.P.No.5267 of 2021

NARPAVI HOMES PVT LTD
represented by J.Jayakrishnan
For self and on behalf of AV Krishnan
JK Group of Companies,
No.19, Velliyan Street,
Kotturpuram,
Chennai.

.... Petitioner

vs

1. The Commissioner of Land Administration,
Ezhilagam, Chepauk, Triplicane,
Chennai - 600 005.
2. The District Collector,
Chengalpet District.



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3. The Revenue Divisional Officer,
RDO Office,
Thazhambur,
Chengalpet District.

4. The Tahsildar,
Taluk Office,
Thazhambur,
Chengalpet District.

5. The Revenue Officer,
Manapakkam Region,
Vandalur Taluk,
Chengalpet District.

6. The Village Administrative Officer,
Thalambur,
Chengalpet District.

...Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1st respondent to consider and dispose of the petitioner's representation dated 20.10.2020 with regard to issuance of patta in Survey No.80/4 and 80/6 in Thazhambur Village, Chengalpet District within the time frame to be stipulated by this Court.

For Petitioner : Mr.N.L.Raja,
Senior Counsel
for Mr.Lieutenant Colonel S.Ganesan

For Respondents : Mr.P.Kumaresan,
Additional Advocate General,
assisted by Mr.T.N.Kaushik,
Additional Government Pleader



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W.P.No.5616 of 2021

S.Sumathi
W/o Siva

..Petitioner

Vs

1. The State Rep. by
The District Collector,
Chengalpettu,
Chengalpattu District.
2. The Revenue District Officer,
Chengalpattu,
Chengalpattu District.
3. The Tahsildar,
Vandalur Taluk Office,
Vandalur,
Chengalpattu District.

..Respondents.

Prayer: Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 06.02.2021 for patta name in favour of the petitioner's property situated at Old No.31 New No.9, Thazhambur, Thiruporur Taluk, Chengalpet District in Old Survey No.11/4 Patta No.17/26 New Survey No.11/4C, total extent of 1200 sq. ft within the time prescribed by this Court.



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For Petitioner : Mr.S.Sugendran

For Respondents : Mr.P.Kumaresan,
Additional Advocate General,
assisted by Mr.T.N.Kaushik,
Additional Government Pleader

COMMON ORDER

(Order of the Court was made by J.NISHA BANU, J.,)

W.P.No.5267 of 2021 has been filed to issue a Writ of Mandamus to direct the 1st respondent to consider and dispose of the petitioner's representation dated 20.10.2020 with regard to issuance of patta in Survey No.80/4 and 80/6 in Thazhambur Village, Chengalpet District within the time frame to be stipulated by this Court.

W.P.No.5616 of 2021 has been filed to issue a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 06.02.2021 for issuance of patta in favour of the petitioner in respect of the property situated at Old No.31 New No.9, Thazhambur, Thiruporur Taluk, Chengalpet District in Old Survey No.11/4 Patta No.17/26 New Survey No.11/4C, total extent of 1200 sq. ft within the time prescribed by this Court.

2. (a) The brief facts of the case of the petitioner in W.P.No.5267 of



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2021 is that on 25.03.1965, the Tahsildar, Chengalpet ordered assignment of agricultural land to 8 individuals viz., (i) G.Bojjiah, (ii) G.Narasimhan, (iii) M.Ganesan, (iv) M.Kathirvelu, (v) N.Sankar, (vi) T.G.Krishnamurthy, (vii) Venkaaramanujam & (viii) R.Kupuswamy, 5 acres each, in Village Thazhambur, Vandalur Taluk, Chengalpet vide proceedings No.34/74, along with D-Form patta and no condition was imposed in the D-Form. On 05.05.1971, some of the assignees mortgaged the said land with Chengalpet Principal Co-operative Land Bank for agricultural loan vide document No.449 & 455. Subsequently, on 14.05.1973, the Government issued G.O.Ms.No.2555 stating that the Commission of Land Administration (CLA) is competent authority to resume lands for breach of any condition of assignment prior to 14.05.1973. On 09.07.1974, the assignees, M.Ganesan and N.Sankar were issued patta Nos.270 & 272. Subsequently, on 26.02.1979, one Krishnamoorthy purchased S.No.80/4 by way of auction sale vide document No.22/1979. On 09.05.1981, the Sub Collector, Chengalpet, cancelled the assignment as the assignees failed to bring the lands under cultivation within 3 years from the date of assignment. The status of the subject land has changed from assignment land to auction purchased land and title for S.No.80/4 was vested with one Mr.Krishnamoorthy.



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(b) On 09.02.1996, the said Krishnamoorthy executed settlement deed for S.No.80/4 in favour of his legal heirs in Document No.488/96. On 01.12.2005, the District Revenue Officer, Kancheepuram, set aside the proceedings of the Sub-Collector dated 09.05.1981, cancelling the assignment. On 04.08.2006, the legal heirs of one of assignees N.Sankar redeemed S.No.80/6. Subsequently, on 03.07.2007, the Commissioner of Land Administration confirmed the proceedings of the DRO and ordered for restoration of pattas of the other affected beneficiaries. The petitioners have purchased S.No.80/4 vide document Nos.1065 & 1066 on 07.02.2023 from the legal heirs of N.Krishnamoorthy, who purchased through auction sale. The petitioners also purchased S.No.80/6 from the legal heirs of N.Sankar vide document Nos.7705 & 7706 of 2012 on 06.08.2012. Subsequently, vide proceedings dated 12.01.2015, the Commissioner of Land Administration rejected the grant of patta to the petitioners. Therefore, the petitioners filed W.P.No.12371 of 2016 before this Court to set aside the rejection order for grant of patta and to consider the revision petition filed by the petitioner on 15.04.2014. However, the said writ petition was dismissed by this Court on 25.10.2017 stating that on the date of purchase, the petitioners did not have any right nor their vendors have any title to convey the same. Aggrieved over



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the same, the petitioners filed writ appeal in W.A.No.16/2018 and on 18.09.2018, the Division Bench of this Court, set aside the order of the learned single Judge in W.P.No.12371/2016 as well as the order passed by the Commissioner of Land Administration(CLA) dated 12.01.2015 and directed the CLA to issue fresh notice to all necessary parties and after affording opportunity to pass appropriate orders in accordance with law within four months.

(c) Subsequently, vide proceedings dated 30.07.2019, the CLA, referring to the order passed in the Public Interest Litigation W.P.No.11156/2018 directing the Government to constitute a Committee to probe into this issue and to submit a report to Government through CLA. Accordingly, the case was referred to Chairman/ District Collector to probe into the matter and to file a final report to Government through CLA for final orders and also ordered to maintain *status quo* till then. Thereafter, the petitioner submitted his representation dated 20.10.2020 to the CLA to consider his claim by giving an opportunity of hearing and to issue patta. Since no order has been passed on the said representation, the W.P.No.5267 of 2020 has been filed with the aforesaid relief.



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3. The brief facts of the case of the petitioner in W.P.No.5616 of 2021 is that the petitioner purchased the vacant land from Mr.Vadivelu and Mr.Natarajan on 15.02.2019 situated at Old No.31, New No.9 Thazhambur, Thiruporur Taluk, Chengalpet District in Old Survey No.11/4 Patta No.1726 New Survey No.11/4C total extent of 1200 sq.ft. by way of sale deed executed in her name in Document No.1914/2019 at Sub Registrar Office, Chengalpet District, Thiruporur Taluk and she is in enjoyment and possession of the above said land from 2019 till date. The petitioner sent several representations to the respondents for grant of patta in her name for the aforesaid property but the respondents failed to consider her representations. The last of such representation was sent on 06.02.2021. Since the same was not considered by the respondents, W.P.No.5616 of 2021 has been filed.

4. (i) Learned Senior Counsel appearing for the petitioner in W.P.No.5267 of 2021 would submit that the assignment of Survey Nos.80/4 and 80/6 were made to ex-servicemen and was unconditional. Even if the condition, directing cultivation by the assignee was assumed to be there, the category of Ex-servicemen were exempted from such condition as provided in Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules 1965. The



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present owners are innocent purchasers and the predecessor purchased the same through auction sale from the Chengalpattu Principal Co-operative Agricultural Bank as provided in Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules 1965, Rule 14(e). Learned senior counsel would further state that vide G.O.Ms.No.2555/1973, the Sub-Collector/RDO could cancel the assignments within first three years only for any substantial reasons of violations, that too, after service of notice seeking reasons for the same from the assignees. But in this case, no notice was served to any of the beneficiaries. The Sub-Collector has exceeded the powers delegated to him and cancelled the assignments after 16 years, that too, for violation of non-existent condition that the assignees failed to bring the land under cultivations within 3 years of assignments. Learned senior counsel would further submit that the request of Narpavi Homes for issuance of patta was rejected by the CLA as a time barred case and this Court condoned the delay and directed the CLA to consider the representation of Narpavi Homes and dispose the same within four months in W.A.No.16/2018. The CLA referred the case to the Committee headed by the Collector, Chengalpattu for a report to be submitted to the Government through him. In the meanwhile, the W.P.No.5267/2021 was filed seeking to dispose of the representation dated 20.10.2020 and to order issuance of patta



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for the subject assignment land wherein the learned single Judge granted an order of stay on 09.08.2021 protecting the petitioner's possession.

(ii) Learned Senior counsel would further submit that W.P.No.5267/2021 was mistakenly clubbed with the batch of cases wherein patta issued by the District Administration for Anadheenam lands of hundreds of acres in the same village of Thazhambur were cancelled pursuant to the orders of the Court in PIL W.P.No.11156/2018. This W.P.No.5267/2021 was erroneously ordered to be linked to the batch of cases seeking restoration of cancelled pattas for Anadheenam lands on 04.08.2021 by the order of this Court in another PIL W.P.No.10504 of 2021. In the meanwhile, the Government of Tamilnadu filed an appeal as against the order of this Court in W.P.No.11156 of 2021 in SLP.24430 of 2019 and the same is pending before the Hon'ble Apex Court. As far as S.No.80/4 and 80/6 are concerned, they were never the subject matter of PIL W.P.No.11156/2018 or S.L.P.No.24430/2019. However, on 10.03.2022, the Honourable Division Bench of this Court adjudicating the group of cases was pleased to delink W.P.No.5267/2021 after hearing the extensive arguments of both sides. Subsequently, on 04.08.2022, the Hon'ble Division Bench directed D-Form with conditions to be produced before this Court as



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the learned Additional Advocate General was repeatedly raising the issue that the cancellation of patta for S.No.80/4 and 80/6 by RDO in 1981 is sustainable on the ground of violation of conditions of cultivation in D-Form patta. However, the respondents have not produced any such D Forms with respect to assignment of S.No.80/4 and 80/6 to Ex-servicemen Mr.Shankar and Mr.Ganesan, but produced D Forms of some other general assignments wherein conditions were stipulated. On the directions of this Court, the Committee ordered vide G.O.Ms.No.112 Revenue and Disaster Management Department dated 25.02.2020 and submitted its Additional Report exclusively for S.No.80/4 and 80/6 on 25.07.2022 wherein it has recommended for issuance of patta vide RSO 15(18) by the Government, without any time limit. On 17.11.2022, the Principal Secretary to Government intimated that on 28.10.2022, this Court directed to await the disposal of SLP. 24430 of 2019 and to list this case thereafter and directed the petitioner to appraise the fact that the subject matter of this W.P. is not involved in the above SLP cases and to get an order by filing a review petition. However, on being mentioned, this Court withdrew its order of 28.10.2022 and directed the Registry to post the matter for further adjudication and orders. Accordingly, the case is being heard. Learned Senior counsel would further submit that there are catena of



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judgments of this Court and number of Government Orders wherein patta for such cancelled assignments have been restored. Hence, he would pray to allow the writ petition.

5. (i) Per contra, learned Additional Advocate General would submit that originally, the Tahsildar, Chengalpattu in his proceedings No.34/74 dated 25.03.1965 granted assignment of 5.00 acres of Government land to M.Ganesan and N.Sankar situated in S.No.80/4 and 80/6 each respectively which was classified as 'Punjai Tharisu' in Thazhambur Village, Chengalpattu Taluk Kacheepuram District as per Dharkast Rules under the provision of the Revenue Standing Order 5. During the review of past cases of assignments made to the public servants, the Sub-Collector, Chengalpattu held that the assignees had failed to bring the lands under cultivation within three years from the date of assignment and thus, violated the terms of conditions. Accordingly, the Sub Collector, Chengalpattu vide proceedings No.747/80 dated 09.05.1981 had cancelled the assignments made to the above persons and also ordered resumption of assigned lands along with other 46 similar cases. The land assignments were cancelled in S.No.80/4 and 80/6 and found place in Sub-Collector's order in Serial No.12 and 18 respectively. After a



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lapse of 30 years, Tmt.P.K.Radhabai had filed W.P.No.10753/2006 and 16761/2008 before this Court with a prayer to direct the respondents to grant patta for the lands to an extent of 2.02.5 hectares in S.No.80/4 in Thazhambur Village, in which, assignment made to Thiru.M.Ganesan was cancelled by the Sub-Collector, Chengalpattu as early as in the year 1981. One Thiru.Dayachandra Bhushan had also made representation dated 29.07.2011 for grant of patta in his favour. As per the direction of this Court dated 18.07.2008 in W.P.No.10785/2006, the District Revenue Officer, Kancheepuram, conducted a detailed enquiry and vide order dated 01.10.2011 had rejected the plea of the petitioner Thiru.Dayachandra Bhushan and Tmt. Radha Bai seeking patta in their name for the lands situated in S.No.80/4 stating that the assignment of Government land and grant of patta in their favour cannot be considered due to the fact that the land applied for patta falls within 32 kms. radius of Chennai City, for which, a ban on assignment was ordered by the Government in G.O.No.1135, Revenue Department dated 17.03.1962. Similarly, one Thiru.S.Ashok Patil had also filed W.P.No.23437/2008 before this Court with a prayer to direct the respondents to grant patta for the land to an extent of 2.02.05 hectares in S.No.80/6, Thazhambur Village, Thiruporur Taluk, Kancheeuram District, in



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which, the assignment made to one Thiru.N.Sankar was cancelled by the Sub-Collector, Chengalpattu as early as in the year 1981. As per the directions of this Court dated 25.09.2008 in W.P.No.23437/2008, the District Revenue Officer, Kancheepuram had conducted a detailed enquiry and vide proceedings No.D.Dis.B1/1383/08 dated 30.05.2013 rejected the plea of the petitioner for grant of assignment of the said land stating that the assignment granted to his father was cancelled by the Sub-Collector in proceedings No.747/80 dated 09.05.1981. In the meantime, the legal heirs of late N.Sankar sold the land in favour of the present writ petitioner on 06.08.2012.

(ii) Learned Additional Government Pleader would further submit that though the District Revenue Officer, Kancheepuram had indicated the provision to file revision in his order, neither appeal nor any case against the said order was filed by the original petitioner whose names have been mentioned in the District Revenue Officer's proceedings. Based on the sale documents, J.Jayakrishnan, Managing Director of Narpavi Homes Private Limited has filed a petition before the 1st respondent on 15.04.2014 to quash the order of the District Revenue Officer dated 9.10.2011, in which, the request for grant of patta to the vendor by the petitioner for the lands to an extent of 5.00 acres in S.No.80/4 was rejected. The revision petition was



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perused with connected records and concluded that the revision petition was filed after a lapse of 2 ½ years from the date of issue of the DRO's order. This order was contested beyond the prescribed time limit as enshrined in RSO 15(15). It was held that the Hon'ble Court had not given any specific direction in the matter and the petitioners who have filed the appeal were not a party in the proceedings before the DRO and therefore, the case was treated as time barred appeal and dismissed the same as devoid of merits vide proceedings in Roc.No.F2/1066302014 dated 12.1.2015. Aggrieved by this, the writ petitioner filed W.P.No.12371/2016 before this Court which was also dismissed on 25.10.2017 by observing that on the date of purchase, the writ petitioner did not have any right nor the vendors also had any title to convey the same. Aggrieved by the said order, the writ petitioner filed writ appeal in W.A.No.16/2018 before this Court and vide judgement dated 18.09.2018, this Court took a view that ends of justice would be met only if proper adjudication is done by the 2nd respondent i.e the ACS/CLA. In such view of the matter, the order passed by the single Judge in W.P.No.12371/2017 and the order passed by the second respondent dated 12.01.2015 had been set aside and the matter was remitted to the 2nd respondent i.e., ACS/CLA. The 1st respondent had duly issued notice to all the parties concerned in



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W.A.No.16/2019 and after due enquiry passed an order on 18.09.2018 referring the case to the Chairman/District Collector of the Committee for a thorough probe and to send a report to Government through the Commissioner of Land Administration and till such time, *status quo* to be maintained was ordered with a further direction that no mutation should happen and the lands are vested with Government and activities in the lands are strictly prohibited and strict monitoring by the District Collector through the field staff was ordered. The 1st respondent had considered the petitioners' representation dated 20.10.2020 and passed a detailed order and the Government is yet to take a decision and therefore, there is no question of considering the petitioners' representation dated 20.10.2020. Further, the Chairman of the Committee / District Collector, Chengalpattu, had already furnished a report to the Government and the order of the Government is still awaited.

(iii) Learned Additional Advocate General would submit that since the aforesaid lands are classified as 'Punjai tharisu' i.e., Government poramboke land and lying vacant, on the representation given by the President, Tamil Nadu Secretariat Staff Association, requesting to assign an extent of 5.87.5 hectares of land in S.No.80/4 and 80/5 and 80/6 of Thazhambur village, for providing house sites to the Secretariat Staff, proposals have been initiated by



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the 4th respondent through the 3rd respondent for assigning the aforesaid lands to the Secretariat staff for providing house sites to them. However, the 1st respondent herein has recommended the Government to reject the proposal and the same is pending with the Government.

(iv) The land in S.No.80/4 and 80/6 were "Tharisu Poramboke" lands under the possession of the Government. It is proposed to use the place as a Micro Composting Centre (MCC). Therefore, a portion of the said survey number 80/4 was earmarked for establishment of Micro Composting Centre by the local body. However, when the work for Micro Composting Centre was about to commence, the petitioner attempted to build a compound wall on the said survey number and objected the construction and obstructed the Government officials. Therefore, the revenue authorities had to take action to stop the petitioner from further construction and also to remove the construction already made and there is no question of trespassing, as contended by the petitioner. Hence, he would pray to dismiss the writ petition.

6. Heard the learned senior counsel appearing for the petitioner in W.P.No.5267/2021, the learned counsel appearing for the petitioner in W.P.No.5616/2021 and the learned Additional Government Pleader appearing



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for the respondents. We have also perused the materials available on record.

7. Admittedly, the Tahsildar, Chengalpattu, vide proceedings No.34/74 dated 25.03.1965 had granted assignment to 8 individuals, each 5.00 acres of land, in which, one M.Ganesan and N.Sankar were granted assignment of 5.00 acres each in S.No.80/4 and 80/6 respectively which were classified as 'Punja Tharisu' in Thalambur Village Chengalpattu Taluk, Kancheepuram District. However, according to G.O.Ms.No.1135 Revenue Department dated 17.03.1962, there was a ban for assignment of land falling within 32 Kms radius of Chennai City and the aforesaid land falls within 32 kms and according to the learned Additional Government Pleader, the assignment is *void ab initio* in view of the said G.O. Subsequently, as the assignees failed to bring the land under cultivation within 3 years from the date of assignment and violated the terms of conditions, the Sub-Collector of Chengalpattu vide proceedings Rc.No.747/80 dated 09.05.1981 had cancelled the assignment made to M.Ganesan and N.Sankar and ordered for resumption of assigned land held by the assignees along with other 46 cases. The cancellation of assignment also found place in the said Sub-Collectors' order in Serial Nos.12 and 18 respectively.



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8. Subsequently, one Krishnamurthy, purchased the subject property through Bank auction sale and settled the same in favour of K.Dayachandran @ K.Dayachandra Bushan and P.K.Radhabai vide document No.488/96. Thereafter, K.Dayachandran @ K.Dayachandra Bushan and P.K.Radhabai executed general power of attorney dated 11.05.2005 in respect of the subject land in favour of Manoj Chand Dayan vide Document No.848 of 2005 on the file of District Registrar, Chennai South. K.Dayachandran @ K.Dayachandra Bushan and P.K.Radhabai filed W.P.No.10753/2006 challenging the order of the Tahsildar, Chengalpattu dated 10.06.2005 and to direct the respondents to issue patta in the name of the petitioners for the property comprised in S.No.80/4, an extent of 5 acres of agricultural lands situated at Thazhambur Village, Chengalpattu Taluk, Kanicipuram District. The said writ petition was dismissed as infructuous. Again, W.P.No.16761 of 2008 was filed for a mandamus to consider the appeal dated 07.02.2008 and an order was passed directing the 3rd respondent therein to dispose of the appeal within 12 weeks. The DRO, Kancheepuram, vide order dated 19.10.2011 dismissed the appeal on the ground that there is prohibition to assign lands within the radius of 20 miles of Chennai and the said survey number in Thazhambur village is



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classified as 'Punjai Aadeenam' and hence, the land cannot be assigned to the petitioners. Subsequently, the Power of Attorney, Manoj Chand Dayan sold 1/5th undivided share in the subject property in favour of A.V.Krishnan vide Sale Deed dated 30.01.2012, registered as Document No.1065 of 2012 on the file of Sub-Registrar, Thiruporur. The balance 4/5th undivided share in the subject land was sold to the petitioner/ Narpavi Homes Private Limited, vide Sale Deed dated 30.01.2012 in Document No.1066 of 2012 on the file of Sub-Registrar, Thiruporur.

9. It is pertinent to point out that though N.Krishnamoorthy has purchased the said lands through auction by the Principal Land Development Bank in the year 1978, the cancellation of assignment was passed by the Sub-Collector in the year 1981. Though it is contended by the petitioner that the order of cancellation of assignment ought to have been passed by the Collector and not by Sub-Collector, which post is equivalent to RDO and thus, the order of cancellation of assignment was passed without jurisdiction, after cancellation of assignment, the legal heir of late N.Krishnamoorthy had applied for patta and the same was rejected by the District Revenue Officer by the order dated 19.10.2011. After rejecting the request of the petitioner, they



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have sold the property in the year 2012 which is intentional and unlawful. A revision petition was filed by the Managing Director of Narpavi Homes Private Limited before the Commissioner of Land Administration on 15.04.2014 to quash the order dated 19.10.2011 passed by the DRO, but the same was dismissed by order dated 12.01.2015. Challenging the same, W.P.No.12371/2016 filed by M/s.Narpavi Homes Private Limited and A.V.Krishnan was also dismissed, observing that on the date of purchase the writ petitioners did not have any right nor the vendors had any title to convey the same. The writ petitioners filed revision petition with a delay of 2 years and the same was also dismissed. Against which, the writ appeal No.16/2018 was filed, in which, the order passed in W.P.No.12371/2016 and the order passed by CLA dated 12.01.2015 were set aside and the matter was remitted to the Additional Chief Secretary, Commissioner of Land Administration to issue fresh notice to all necessary parties and pass orders within four months. After giving opportunity, the Commissioner of Land Administration, rejected the petitioners' claim. Aggrieved over the same the present writ petition has been filed.

10. In the meanwhile, one Mr.S.Raja filed a Public Interest Litigation



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in W.P.No.11156 of 2018 seeking for a Mandamus to direct the official respondents to inspect the village records as early as before 1966, find out the Government land, remove the encroachment and correct mutation of revenue records and take possession of the Government land in accordance with law. The said writ petition was disposed of by a common order in W.P.No.11156 of 2018 and W.P.No.24500 of 2019 dated 25.09.2019 by holding that the discreet enquiry initiated in G.O.Ms.No.283 dated 09.08.2019, which was challenged by the 7th respondent/ Casagrand Buildings Private Limited in W.P.No.24500 of 2019, would be completed within a period of six months. The interim order of *status quo* granted in W.P.No.11156 of 2018 was vacated.

11. Challenging the order dated 25.09.2019, the Secretary to Government of Tamil Nadu, Revenue and Disaster Management Department filed the Special Leave Petition before the Hon'ble Supreme Court in SLP(C)No.24430-24431/2019 and the same is pending before the Hon'ble Apex Court, in which, it was ordered to maintain *status quo* as it exists on that day (21.10.2019). The petitioners in the present W.P.No.5267 of 2021 have also filed Special Leave Petition in SLP.No.26314/2019, challenging the order



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passed in W.P.No.24500 of 2019 dated 25.09.2019. The SLP filed by the petitioners herein and the SLP filed by the Government viz., SLP(C)No.24430-24431/2019, were directed to be tagged by the Hon'ble Apex Court vide order dated 13.11.2019.

12. Subsequently, in respect of issuance of patta in the subject Village, one Devarajan has filed a writ petition filed W.P.No.10504 of 2021 seeking for a direction to the respondents 1 to 12 therein to consider and dispose of his Representations and to remove the encroachment thereby cancel all the fabricated deeds which was obtained by BHEL Piping Centre, T.Nagar Employees Welfare Society at 19/10 Bazullah Road T.Nagar, Chennai-17, BHEL City at Kancheepuram District (Now Chengalpattu District) Thiruporur Taluk (now Vandalur Taluk) Thazhambur Survey No.165/1(1.2.50) Acres 3.03 cent Survey No. 167/2(1.2.50) Acres 3.03. cent Survey No.170/4(1.2.50) Acres 3.03 cent Survey No.171/4 (1.21.50)Acres 3.03 cent and other related survey numbers. When the said writ petition (W.P.No.10504 of 2021) was called on 04.08.2021, the learned State Government Counsel filed a communication dated 27.07.2021 received from the District Collector, Chengalpattu District stating that based on the interim report of the Committee



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dated 18.03.2020, the Commissioner of Land Administration (FLC) vide proceedings Rc.No.K2/5523/2019 dated 27.07.2020 have cancelled the patta issued in respect of 107.20 acres in Thazhambur Village and after cancelling the patta already issued, 107.20 acres of lands have been restored as Government Anadheenam land in Thazhambur Village, Vandalur Taluk, Chengalpattu District.

13. It is the contention of the petitioner that S.Nos.80/4 and 80/6 concerning the present writ petition was never a subject matter of PIL W.P.No.11156/2018 nor SLP.No.24430/2019. In this regard, it is pertinent to point out that the prayer in W.P.No.11156/2018 is to issue a Writ of Mandamus directing the official respondents to inspect the Village records as early as before 1966, find out the Government land, remove the encroachment, correct mutation of revenue records and take possession of the Government land in accordance with law.

14. Since the subject matter in both the writ petitions are pending before the Hon'ble Supreme Court, we are of the opinion that unless and until, a decision is taken in regard to the subject matter of assignment of land in



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question in Thazhampur Village by the Hon'ble Supreme Court in the above said SLPs, no orders could be passed in these writ petitions in respect of issuance of patta as sought for by the petitioners. Therefore, both the Writ Petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(J.N.B., J.) (N.M., J.)
12.01.2024

vsi

Index : Yes / No

Internet : Yes / No

Neutral citation : Yes / No

To

1. The Commissioner of Land Administration,
Ezhilagam, Chepauk, Triplicane,
Chennai - 600 005.
2. The District Collector,
Chengalpet District.
3. The Revenue Divisional Officer,
RDO Office,
Thazhambur,
Chengalpet District.
4. The Tahsildar,
Taluk Office,
Thazhambur,



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WEB COPY Chengalpet District.

5. The Revenue Officer,
Manapakkam Region,
Vandalur Taluk,
Chengalpet District.
6. The Village Administrative Officer,
Thalambur,
Chengalpet District.

J. NISHA BANU, J.
and



WEB COPY



W.P.Nos.5267 & 5616 of 2021

N.MALA, J.

vsi

Pre-delivery order in

W.P.Nos.5267 & 5616 of 2021

12.01.2024