



WEB COPY

W.A.No.1406 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.A.No.1406 of 2021
and
CMP.Nos.8447 of 2022

R.Subramanian (Died)

1. S.Sahadevan

2. S.Murugan

Rep. by their Power Agent

Mr.A.Sethu

... Appellants

Vs.

1. The Special Commissioner and Commissioner
of Land Administration,
Chepauk, Chennai-5.

2. The Assistant Settlement Officer,
(North) Ezhilagam,
Chepauk, Chennai-600 005.

3. S.Lakshmi

4. S.Rose

5. Kalavathy

(R3 to R5 impleaded vide order dated 03.07.2024
made in CMP.No.13221/2024)

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 25.07.2016 in WP.No.42787 of 2002.



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For Appellants : Mr.S.Ramesh
For Respondents : Mr.A.Selvendran
Special Government Pleader for R1 and R2

J U D G M E N T

[Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**]

The writ order dated 25.07.2016 passed in WP.No.42787 of 002 is under challenge in the present writ petition. The writ petitioners are the appellants before us. The core issue raised in the writ appeal is whether the Commissioner of Land Administration is empowered to invoke suo-motu powers under Section 7(c) of The Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948. The issue raised in the writ petition is no more *res integra*. The Division Bench of this Court clarified that the Commissioner of Land Administration is empowered to invoke suo-motu powers for revising orders. Beyond the legal pronouncements, Section 7 is unambiguous regarding the powers of control of the Board of Revenue. The Board of Revenue shall have power to cancel or revise any of the orders, Acts or Proceedings of any Settlement Officer other than those in respect of which an appeal lies to the Tribunal or of any Managers. The language employed in



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Section 7 would be sufficient to arrive a conclusion that the Commissioner of Land Administration is empowered to initiate suo-motu proceedings to cancel or revise any of the orders, Acts or proceedings of any Settlement Officer other than those in respect of which an appeal lies to the Tribunal or of any Managers. When the provisions unambiguously stipulates the suo-motu power conferred on the Commissioner of Land Administration, the issue raised by the appellants in the present Writ Appeal deserves no merits consideration. However, the relief granted by the Writ Court to pursue the application submitted by the appellants is to be approved.

2. Accordingly, the appellants are at liberty to pursue the applications, if any filed before the Competent Authorities for redressing the grievances. With these observations, the writ order impugned dated 25.07.2016 passed in WP.No.42787 of 2002 stands confirmed and consequently, the Writ Appeal stands disposed of. No costs. Consequently, connected CMPs are also closed.

[S.M.S., J.] [C.K., J.]
03.07.2024

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Index : Yes

Speaking order : Yes

Neutral Citation : Yes



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S.M.SUBRAMANIAM, J.
and
C.KUMARAPPAN, J.

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To

1. The Special Commissioner and Commissioner
of Land Administration,
Chepauk, Chennai-5.
2. The Assistant Settlement Officer,
(North) Ezhilagam,
Chepauk, Chennai-600 005.

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