



W.P.No.25144 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.25144 of 2024
and WMP.No.27467 of 2024

K.N.Balaji

... Petitioner

Vs.

1.The District Collector,
Thiruvallur District.

2.The District Revenue Officer,
Thiruvallur District.

3.The Tahsildar,
Ponneri, Thiruvallur District.

4.Govinda Swami,
President,
Arulmigu Sri Bhavani Amman Temple,
Padiyanallur Village,
Thiruvallur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, call for the records of the 2nd respondent pertains to the impugned order dated 26.04.2024, bearing



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reference No.Na.Ka.No.16547/2018/A3 and quash the same, consequently, direct the respondents 1 and 3 to issue patta to the petitioner in respect of his land bearing S.No.145/6 to an extent of 47 cents at No.118, Padinallur Village, Ponneri, Thiruvallur District.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondent : Mr.P.Sathish
Additional Government Pleader
for R1 to R3

ORDER

Aggrieved by the order passed by the second respondent rejecting the application made by the petitioner seeking issue of patta in respect of the property situated in S.No.145/6, padinallur Village, Ponneri, Thiruvallur District, the petitioner has come before this Court.

2. According to the petitioner, the above mentioned property belongs to him and he acquired right over the same under registered sale deed dated 13.09.2011. It is also stated by the petitioner that his predecessors in title have been in possession and enjoyment of the above said property from the year 1934 under various registered documents.



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3. It is the specific case of the petitioner that in the year 1987, the classification of the land was wrongly changed into “Sarkar Anatheenam”. It is also stated that the petitioner has been in possession and enjoyment of 19 ares of land in S.No.145/6 and remaining 56 ares of land are in possession and enjoyment of Sri Bhavani Temple. Therefore, the petitioner sought for issue of patta in his favour by taking into consideration his pre-existing right over the property.

4. It is seen from the impugned order passed by the second respondent during settlement proceedings under Tamil Nadu Estate Abolition Act 1948, the entire extent of land in S.No.146/6 was classified as “Sarkar Anatheenam” as nobody claimed right over the said property by filing a petition before authorities constituted under the said Act. It is also stated that the petitioner, having failed to file appropriate application before the authorities under the relevant Abolition Act and obtain patta in his name by proving his pre-existing right, is not entitled to claim patta after cut of date of 20.08.1987.

5. Though the petitioner claims right over the said property from the year 1934 through his predecessor in title, the fact remains that the



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predecessor in title of the petitioner failed to assert the right and obtain patta by participating in the settlement proceedings. Since nobody claimed right over the property, the same was classified as “Sarkar Anatheenam” during settlement proceedings. Now, nearly after 30 years, in the year 2017, the petitioner approached the second respondent seeking issue of patta in his name.

6. The second respondent rightly rejected his claim on the ground that his request for issue of patta after cut off date of 20.08.1987 cannot be considered after expiry of more than 30 years from the date on which the subject property was classified as “Sarkar Anatheenam” land. The Tamil Nadu Estate Abolition Act 1948 was also repealed by Tamil Nadu Act 16 of 2023.

7. In these circumstances, there is nothing to interfere with the order passed by the second respondent rejecting the application of the petitioner seeking issue of patta in respect of the subject property. However, it is always open to the petitioner to workout his remedy before the Civil Court by establishing his pre-existing right, if any,



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8. With this liberty, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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To
1.The District Collector,
Thiruvallur District.

2.The District Revenue Officer,
Thiruvallur District.

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3.The Tahsildar,
Ponneri, Thiruvallur District.

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4.Govinda Swami,
President,
Arulmigu Sri Bhavani Amman Temple,
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S.SOUNTHAR, J.

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