



WA.No.2451/2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE P.DHANABAL

WA.No.2451/2022 & CMP.Nos.19027 & 19029/2022

V.S.Babu

... Appellant

Vs.

The Additional Chief Secretary/
Commissioner of Land Administration
Chepauk, Chennai 600 011.

... Respondent

Prayer : Writ appeal filed under Clause 15 of Letters Patent against the order passed in WP.No.4491/2020 dated 30.09.2022.

For Appellant : Mr.G.Sankaran, Senior Counsel for
Mr.R.M.Pradeepan

For Respondent : Mr.R.Ramanlal, AAG assisted by
Mr.T.Arun Kumar,AGP



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JUDGMENT

[Order of the Court was made by S.S.SUNDAR, J.,]

(1) This appeal is directed against the order of the learned Single Judge dated 30.09.2022 made in WP.No.4491/2020, dismissing the writ petition filed by the appellant for issuing a writ of certiorarified mandamus to quash the impugned order passed by the Commissioner, Land Administration, the respondent herein, dated 24.12.2019 and to direct the respondent to issue patta in favour of the appellant herein in respect of his property measuring an extent of 71 cents in S.No.60/4, Kolathur Village, Chennai-99.

(2) Brief facts that are necessary for the disposal of this appeal are as follows:-

(3) The appellant claimed right over an extent of 71 cents comprised in S.No.60/4 of Kolathur Village, Perambur-Purasaiwalkam Taluk, Chennai. It is the case of the appellant that the father of the appellant had purchased the property from one Natesa Chettiyar. It is his case that his father was carrying on agricultural operation in the lands. The appellant,



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after the death of his father in 1979 states that he has inherited the lands from his father. He has also produced few documents to show that he was in possession of the land.

(4)The appellant approached the Assistant Settlement Officer [ASO] and obtained an order on 19.07.2000, by which the Tahsildar, Perambur – Purasaiwalkam, was directed to issue patta. It is surprising to note that the Assistant Settlement Officer, entertained the application submitted by the appellant in the year 2000 for Ryotwari patta and passed an order without jurisdiction. Later, the Commissioner, Land Administration, initiated suo motu proceedings under Section 7 of the Tamil Nadu Estates [Abolition and Conversion into Ryotwari] Act, 1948 [Act 26/1948] and set aside the order. Challenging the same, the appellant filed the writ petition with the prayer as indicated above.

(5)The learned Single Judge dismissed the writ petition holding that the appellant has no right to get patta after pointing out several infirmities in the order of the Assistant Settlement Officer. The fact that the property was taken over under Act 26/1948 is not in dispute. Though a person who is in possession of the property doing cultivation is entitled to



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ryotwari patta under Section 11[a] of the Act, no application was filed by the appellant or his father or anyone under whom the appellant claimed title immediately after the lands were taken over under the Act. It is also admitted that time given for submitting the application for ryotwari patta though was extended, no application had been filed by anyone before 29.07.1987 [last date before which a person can file an application for grant of ryotwari patta].

(6)The appellant filed an application before the Assistant Settlement Officer in the year 2000. Though the application itself ought not to have been entertained by the Assistant Settlement Officer, he entertained the application and relied upon a few documents which are contrary to the Settlement 'A' Register. When it is not in dispute that 'A' Register prepared immediately after settlement shows the land as "Anaadeenam", the Assistant Settlement Officer relied upon a few revenue records/documents where the name of the appellant is referred. Under the Revenue Standing Orders which was in vogue and as per the terms of the Patta Passbook Act, an owner is one who is holding a land under the Ryotwari Settlement. It is admitted that neither the appellant nor his



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father had applied for ryotwari patta to the Settlement Officer. Therefore, the Xerox copies of the revenue records produced and relied on by the Assistant Settlement Officer only shows that an attempt is made by the appellant to fabricate and manipulate the documents.

(7)The appellant originally made a claim that the land is the ancestral property of his father. Later, he produced before authorities, an unregistered Sale Deed to show that his father had purchased the property and was in enjoyment. An unregistered Sale Deed is not admissible even for collateral purposes. In such case, the document relied upon by the appellant ought not to have been considered by the Assistant Settlement Officer. The Commissioner, Land Administration, has considered prior entries, as seen from the revenue records and the fact is that nobody was in enjoyment of the property.

(8)It is also surprising to note that the Sale Deed relied upon by the appellant was not produced before the Assistant Settlement Officer. After projecting a case that the property is their ancestral property, the appellant tried to improve his case by producing an unregistered Sale Deed before the Commissioner, Land Administration. The Commissioner, Land



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Administration found that the entries in 'A' Register pursuant to settlement is valid and binding, as no one has challenged the proceedings of Settlement Officer under Act 26/1948. After referring to Section 64-c of Act 26/1948, the Commissioner, Land Administration, came to the conclusion that application for grant of ryotwari patta nearly after 40 years later, is unsustainable. As a matter of fact, the Commissioner, Land Administration, referred to G.O.Ms.No.714, dated 29.06.1987 whereby final opportunity to a person seeking ryotwari patta, is extended only upto 29.07.1987. Therefore, the Commissioner, Land Administration / respondent herein, has rightly held that the order of Assistant Settlement Officer is irregular, unlawful, beyond his jurisdiction. When there is a period of limitation prescribed by a statute before which the claimant can file an application for grant of ryotwari patta, that cannot be ignored.

(9) For all the above reasons, this Court finds no reason to interfere with the order of the learned Single Judge who has also considered the facts. This Court finds that the appellant has made an attempt to grab the lands by producing fabricated documents.



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(10)Hence, the writ appeal stands **dismissed with cost of Rs.5,000/-**

[Rupees Five Thousand only] payable by the appellant to the Tamil Nadu State Legal Services Authority, Chennai, within a period of two weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

[S.S.S.R., J.] [P.D.B., J.]
26.11.2024

AP

Internet : Yes

To

The Additional Chief Secretary/
Commissioner of Land Administration
Chepauk, Chennai 600 011.



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S.S. SUNDAR, J.,
and
P.DHANABAL, J.,

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