



WEB COPY



W.A.Nos.560 and 572 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.04.2024

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN
AND
THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

W.A.Nos.560 & 572 of 2024
AND
C.M.P.Nos.3869 & 3967 of 2024

X.Durairaj

.. Appellant in both W.A.s

Vs.

1.The Principal Secretary and Commissioner
of Land Administration
Chepauk, Madras -5

2.The District Collector
Thiruvallur District

.. Respondents in W.A.No.560 of 2024

1.The Chief Educational Officer
Tiruvellore

2.The District Collector
Tiruvellore

3.The Executive Officer-cum- Commissioner
Thiruverkadu Municipality
Tiruvellore

.. Respondents in W.A.No.572 of 2024

Writ Appeals filed under Clause 15 of Letters Patent, against the common order dated 04.09.2023 passed in W.P.Nos.25170 of 2012 & 8200 of 2012, respectively.



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For Appellant in both WAs	: Mr.Sunny Sheen for Mrs.V.Srimathi
For R1 and R2 in both WAs	: Mr.Ramanlal, Additional Advocate General Assisted by Mr.A.Selvendran Special Government Pleader

JUDGMENT

(Judgment of the court was delivered by R. MAHADEVAN, J.)

Challenging the common order dated 04.09.2023 passed by the learned Judge in W.P.Nos.25170 of 2012 & 8200 of 2012, the writ petitioner has preferred these intra-court appeals.

2. Brief facts of the case are as under :

2.1 The appellant claims that he is the owner of the land in question and has documents to prove his title right from year 1920 and due to the wrong classification of his land as 'anadeenam' by the revenue authorities, he filed a petition on 09.03.2012 before the Principal Secretary and Commissioner of Land Administration, requesting to cancel the order passed by the Commissioner of Survey and Settlement and also to grant patta in his name. By proceedings dated 17.08.2012, the Principal Secretary and Commissioner of



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Land Administration, rejected the claim of the appellant on the ground that he did not furnish documentary evidence before the Settlement Authority and instead, sought issuance of patta for the land vested with the Government.

2.2 Challenging the said order, the appellant filed W.P.No.25170 of 2012, besides filing W.P.No.8200 of 2012 for a mandamus forbearing the Chief Educational Officer, Tiruvellore, from interfering with the possession of the land in question.

2.3 The learned Judge, by a common order dated 04.09.2023, dismissed the said writ petitions on the ground that the appellant has not initiated any steps to secure patta, pursuant to various Abolition Acts enacted from time to time and within the cut-off date fixed by the Government in G.O.Ms.No.714, Commercial Taxes and Religious Endowments Department, dated 29.06.1987. It was further observed by the learned Judge that when the Government had already initiated steps to utilise the subject land for the welfare of the people by constructing a school building, which was partly completed, the appellant is not entitled to the relief as sought in the writ petitions. Challenging this common order of the learned Judge, these writ appeals have been preferred by the writ petitioner.



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The learned counsel appearing for the appellant submitted that owing to the erroneous classification of the appellant's land as “anadheenam”, it would never vest with the State and in spite of precedents having been cited by the appellant, the learned Judge, brushed them aside, by merely observing that the same are inapplicable, as the appellant had failed to initiate steps within the cut-off date fixed by the Government in G.O.Ms.No.714, *supra*. Stating so, the learned counsel sought setting aside of the common order impugned in these appeals.

4. On the above submissions, we have heard the learned Additional Advocate General appearing for the respondents and also perused the documents enclosed in the typed set of papers.

5. As has been rightly observed by the learned Judge, the appellant has slept over his right for close to 3 decades from 1984 like Rip Van Winkle and woken up from slumber all of a sudden and claims that the Government ought not to have put up construction in his land. It may be the stand of the appellant that even way back in 1984, his vendor had made an application seeking title. But, as a purchaser for a considerable value, the appellant ought to have pursued the matter from the point where his vendor left and taken it to its



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logical conclusion, instead of leaving it at that and later on, making a feeble claim that the property belongs to him, without anything more. Be it noted, a person approaching the Court seeking a relief should act with utmost alacrity. The judgments of the Supreme Court on the point that the claim of a litigant should not be hit by delay, laches and acquiescence are a legion. In such perspective of the matter, we are in complete agreement with the finding of the learned Judge that the appellant is not entitled to the reliefs.

6. As a sequel, these writ appeals fail and are accordingly dismissed.

No costs. Connected C.M.Ps. stand closed.

[R.M.D, J.] [M.S.Q, J.]
03.04.2024

Neutral Citation : Yes/No
gya/cad



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R. MAHADEVAN, J.
AND
MOHAMMED SHAFFIQ, J.

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To

- 1.The Principal Secretary and Commissioner
of Land Administration,
Chepauk, Madras -5.
- 2.The District Collector,
Thiruvallur District.
- 3.The Chief Educational Officer,
Tiruvellore.
- 4.The District Collector,
Tiruvellore.
- 5.The Executive Officer cum
Commissioner Thiruverkadu Municipality,
Tiruvellore.

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