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W.P.(MD)NO.11554 OF 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED: 18.03.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P.(MD)No.11554 of 2022 AND**  
**W.M.P.(MD)No.8178 of 2022**

V.Muthuraman

... Petitioner

Vs.

1. The District Revenue Officer,  
Collector Office, Sivagangai District.

2. The Revenue Divisional Officer,  
Sivagangai District.

3. The Tahsildar,  
Sivagangai District.

4. The Village Administrative Officer,  
Okkur Village, Sivagangai District.

... Respondents

**Prayer:** Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records of the first respondent pertaining to the impugned order No.PA.MU.B4/17826/2020 dated 19.04.2022 passed by the first respondent and quash the same as illegal, consequently direct the first respondent to remove the wrong entries in survey land record of survey No.287/2 situated at Okkur Village, Sivagangai District Government dry land and further to issue patta in the petitioner's name within the time that may be stipulated by this Court.



For Petitioner : Mr.K.Krishna  
For Respondents : Mr.K.S.Selvaganesan,  
Additional Government Pleader.

\* \* \*

### **ORDER**

Heard both sides.

2. It is beyond dispute that the petitioner's request was for issuance of patta was rejected by the Revenue Divisional Officer, Sivagangai District. Challenging the same, the present writ petition came to be filed.

3. The respondents filed counter affidavit. Paragraph No.7 of the counter affidavit reads as follows:-

“I submit that the lands in S.No.287/2 entered in the name Chithamani Chettiar and others before settlement register of the year 1949. I submit even assuming that the writ petitioner vendors have purchased the said lands under document in the year 1921 and subsequently in the year 1941 right under the said document would get automatically become invalid pursuant to the notification issued under Tamil Nadu Estates(Abolition and Conversion into Ryotwari) Act 1948 vide G.O.Ms.No.2093 Revenue dated 11.08.1948 and entire village possession was taken over by



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the Government on 07.04.1949. And wherever person claiming right over the notified lands they were permitted to make application seeking ryotwari patta under Sections 11, 12, 13, 14 and 15 of Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 depending upon their claim. Based up on the application made by the respective parties settlement officer have conducted enquiry and wherever the applicant is able to prove his right he has directed to issue ryotwari patta and in the cases where applicant could not be able to prove rejected their application and they were provided appeal remedy under Section 15(2) Tamil Nadu Estates(Abolition and Conversion into Ryotwari) Act 1948 and time limit was fixed one year. Even after completion of the proceedings many applications were received by the department stating that they were unaware of the proceedings and therefore Government had extended the timeline for submitting the application and appeal for seeking ryotwari patta. The appeal time was 30 days as per original rules vide G.O.Ms. No.3190 Revenue dated 17.10.1955 with respect to Section 11 of the Act. The appeal time for the claims under Section 12, 13 and 14 is for only 3 months before the Estate Abolition Tribunal / Principal Subordinate Judge Court. This appeal time had been extended in amended rules published in G.O.(Ms)No.1400 CT @ RE Department dated 21.11.1975 without limitation finally extended as per further amendment to the said rules published in



G.O.Ms.No.714, CT & RE Department dated 29.06.1987 for 30 days and came to an end on 20.08.1987.”

4. The petitioner has therefore only one remedy. It is well settled that a civil suit for declaring one's pre-existing right is maintainable. Merely because, the petitioner availed the remedy before the settlement authority, that will not otherwise foreclose the rights of the petitioner. Liberty is given to the petitioner to move the jurisdictional civil Court for declaration of his rights. With this liberty to the petitioner, this writ petition stands disposed of. If the petitioner obtains decree in his favour, the revenue records will be correspondingly mutated. No costs. Consequently, connected miscellaneous petition is closed.

**18.03.2024**

Index : Yes / No  
Internet : Yes/ No

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**G.R.SWAMINATHAN,J.**

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