



W.P(MD)No.15554 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 23.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15554 of 2020

and

W.M.P(MD)No.13055 of 2020

R.Sakthivel

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Sub Divisional Magistrate cum
The Revenue Divisional Officer,
Kodaikanal,
Dindigul District.

3.The Tahsildar,
Kodaikanal,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned orders passed by the second respondent in his proceedings Pa.Mu.No.701-50/2019/A2 dated 20.09.2019 in respect of the land in Survey No.747/1 to an extent of 1.20.00 hectares and Pa.Mu.No.



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701-51/2019/A2 dated 20.09.2019 in respect of the land in Survey No. 747/2 to an extent of 0.05.00 hectares and quash the same.

For Petitioner : Mr.B.Saravanan
Senior Counsel
for Mr.D.Kirubakkaran

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

Heard both sides.

2.The petitioner was having patta in his name in respect of the land comprised in Survey No.747/2, Vilpatti Village, Kodaikanal Taluk. Vide proceedings dated 20.09.2019, the Revenue Divisional Officer cancelled the same on the ground that it was fraudulent. Challenging the same, the present writ petition came to be filed.

3.The learned Senior Counsel appearing for the petitioner submits that the impugned order has to be set aside on the sole ground that the principles of natural justice have not been born in mind. In normal circumstances, I would have definitely accepted the said contentions and set aside the impugned order. However, the case on hand requires a deeper scrutiny.



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4. Even according to the petitioner, the revenue patta was obtained by the petitioner on the strength of ryotwari patta issued by the Assistant Settlement Officer (South), Chennai -5 vide proceedings in Mu.Mu.No. 1225/11/A1 dated 05.12.2011. Copy of the said order has been enclosed in the typed set of papers. The Hon'ble Division Bench vide order dated 19.08.2021 in W.A.No.739 of 2019 (V.Udayan & 2 others Vs The Special Commissioner and Commissioner of Land Administration, Chepauk, Chennai – 5 & others) held that the cutoff date for applying for ryotwari patta was 20.08.2987. The Hon'ble Division Bench noted that the said cutoff date was fixed vide G.O(Ms)No.714 dated 29.06.1987 and that once the cutoff date has been fixed, the applicants have no right to apply for ryotwari patta thereafter. In this case, the petitioner is said to have submitted an application on 12.08.2011. It was almost 26 years after the said cutoff date. Therefore, I cannot take cognizance of the proceedings dated 05.12.2011 said to have been issued by the Assistant Settlement Officer (South), Chennai – 5 which has been enclosed in the typed set of papers. Even according to the petitioner, revenue patta was issued on the strength of the said settlement order 05.12.2011. Since the settlement order dated 05.12.2011 has no validity, the consequential patta cannot



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also be recognised. Even though the impugned order suffers from a clear violation of principles of natural justice, in view of the reason set out above, the order does not call for interference.

5.The impugned order merely reclassified the land in question. It is not an eviction order or notice. The petitioner is given liberty to work out his rights in the manner known to law. All his contentions and defenses are left open. I am satisfied that the petitioner is in possession of the land in question. The authorities have to necessarily adhere to due process of law while dealing with the petitioner. With this observation in favour of the writ petitioner, the impugned order is sustained.

6.This writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

23.01.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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