



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2024

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE C.KUMARAPPAN**

S.T.A(MD)No.1 of 2018

1.Udaiyar Servai(died)

2.U.Thiyagarajan

3.Selvarani

4.U.Rajasekar

5.U.Amsavalli

6.U.Eswari

7.U.Jothi

8.U.Senthil Kumar

(Appellants 2 to 8 are brought on record as legal representatives of the deceased sole appellant as per order of this Court made in C.M.P(MD)NOs.9915 to 9917 of 2023 in S.T.A(MD)No.1 of 2018, dated 09.08.2023)

... Appellant/Appellant

.Vs.



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The State of Tamil Nadu,
represented by the District Collector,
Sivagangai District,
Sivagangai.

... Respondent/Respondent

PRAYER: Special Tribunal Appeal filed under Section 46 of Tamil Nadu Inam Estate Abolition and Conversion into Ryotwari Act, 26/1993 against the fair and decretal order passed in I.A.No.1 of 1999, dated 7.6.2016, on the file of Inam Abolition Tribunal, Sivagangai(Sub-Court, Sivagangai).

For Appellants : Mr.J.John

For Respondent : Mr.P.T.Thiraviam
Govt. Advocate

JUDGMENT

DR.G.JAYACHANDRAN,J.
AND
C.KUMARAPPAN,J.

This Special Tribunal Appeal is filed against the order passed by the Tribunal confirming the order passed by the Assistant Settlement Officer Madurai.



WEB COPY 2. The brief facts of the case is that:

The appellant herein claiming title through sale deed, dated 13.08.1962 alleged to have been purchased from one Karuppiah Chettiar, who claims to be the owner of the property through sale deed, dated 30.09.1960 executed by Raja of Sivagangai. Three documents dated 30.09.1960, 13.08.1962 and 25.07.1963 does not mention or describe about the location and survey number of the property which is alleged to have been conveyed. Therefore, when the Settlement Tashildar was requested to issue patta based on these documents, he had rightly rejected the claim stating that the properties for which patta was sought, does not correlate with the title documents relied upon by the appellant. Hence the same was rejected. The four boundaries claimed to be the boundaries of the properties, for which, patta was sought, was not specific and certain and that is the reason why the Assistant Settlement Officer has rejected the claim for issuance of patta.

3. When the matter came up before the Tribunal, the Tribunal has confirmed the order of the Special Tribunal. Hence the present appeal is filed. A



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large extent of land declared as Inam land sought to be the subject-matter of the Village which was taken over by the Government on 01.05.1967 under the Tamil Nadu Estate (Abolition and Conversion into Ryotwari) Act, 26 of 1963 vide G.O.No.1119, dated 30.3.1965. Under the Estate Abolition Act, the Assistant Settlement Officer, Madurai has passed an order on 27.2.1971 which covers S.No.222, measuring an extent of 4.56 acres which is subject-matter of the representation given by the appellant herein for issuance of patta. The Assistant Settlement Officer, Madurai after considering the representation of the Petitioner, allowed the Petition. However, on appeal, the Tribunal remanded the matter back for re-consideration. While so, in the second round of litigation, the Assistant Settlement Officer, Madurai vide order, dated 29.10.1983 dismissed the Petition seeking patta on the ground that the boundaries described under the sale deed relied upon by the appellant does not identify the exact location of the property. For the second time, the matter was again remanded back by the Tribunal on appeal. On third round of litigation, the Assistant Settlement Officer has again rejected the issuance of patta by order dated 18.09.1995. The Tribunal confirmed the said order vide order dated 7.6.2016.



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4.The learned counsel for the appellant submitted that the description of the property in the sale deed refers to the permanent boundaries and therefore the reasoning given by the Tribunal as well as the Assistant Settlement Officer is erroneous. He would further argue that the lie of the property is easily identifiable and therefore, there is no bar or impediment in granting patta based on the title deeds of the appellant herein.

5.The learned Government Advocate, per contra, submitted that the entire land has been declared as Grama Natham as early as in the year 1971. Though these documents/sale deeds is of the year 1960, 1961 and 1963, tracing earlier documents prior to the Abolition Act, do not unambiguously describe the location of the property with proper measurement, survey number and boudaries.

6.On considering the rival submission made on either side, though much emphasis is placed on the pre-legislation document, the fact remains that the title deeds relied upon by the appellant does not ascertain any clear description and location of the property. As a concomittant, based on the said documents, patta cannot be granted to the property which has already been declared as Grama



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Natham. Hence this Court finds no reason to reverse the findings of the Tribunal.

Hence the Special Tribunal Appeal stands dismissed. There is no order as to costs.

[G.J.,J.] [C.K.,J.]
08.01.2024

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

To

The Sub-Judge,
Inam Abolition Tribunal
(Sub-Court),
Sivagangai.



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DR.G.JAYACHANDRAN, J.
and
C.KUMARAPPAN, J.

vsn

JUDGMENT MADE IN
S.T.A(MD)No.1 of 2018

08.01.2024