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W.P.No.897 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.897 of 2019 and
WMP.No.1009 & 11372 of 2019

K.S.Anandan

... Petitioner

Vs.

1.The District Revenue Officer,
Tiruvallur District
Tiruvallur
2.The Tahsildar,
Ponneri Taluk,
Tiruvallur District
3.S.B.Gandhi
(third respondent impleaded as per order
dated 03.09.2025 made in WMP.No.23596
of 2019 in WP.No.897 of 2019)

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue a Writ of Certiorari calling for the records on the file of



W.P.No.897 of 2019

the first respondent in his proceedings Na.Ka.No.28881/2017/A3 dated 29.11.2018 and quash the same.

For Petitioner : M/s.V.Srimathi

For Respondents

For R1 & 2 : Mr.T.Arun Kumar,
Additional Government Pleader

For R3 : Mr.S.Udhayakumar

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 29.11.2018 thereby rejecting the request of the petitioner seeking deletion of classification 'manavari Anadhinam' in respect of the subject property comprised in survey No.130/7 to an extent of 1.5 acres situated at Periyakaavanam Village, Tiruvallur District.



W.P.No.897 of 2019

WEB COPY

2. For the land comprised in survey No.130/7 to an extent of 1.5 acres situated at Periyakaavanam Village, Tiruvallur District, ryotwari patta was granted on condition to conduct thanner pandal in favour of one, Jayaram Mudaliar under patta No.95 under the Tamilnadu Minor Inams (Abolition and Conversion of Ryotwari) Act, 1963 (hereinafter called as 'the Act'). After his demise, the said property was inherited by his legal heirs Krishnamoorthy, Gunasekaran and Narayanasamy. Thereafter, the petitioner had purchased from the legal heirs of the deceased Jayaram Mudaliyar by the sale deed dated 24.11.1999 registered vide document No.3781 of 1999. However, during the UDR proceedings, subsequently the land was classified as 'manavari anadhinam. Therefore, the petitioner approached the second respondent by way of representation dated 15.12.2017 to grant revenue patta in his favour after changing the classification. The second respondent conducted enquiry and submitted report before the first respondent and also recommended to reclassify the subject land and for issuance of patta in favour of the petitioner. It was

3/16



W.P.No.897 of 2019

WEB COPY

not considered by the first respondent and as such the petitioner filed writ petition before this court in WP.No.32193 of 2018 and this Court by order dated 06.12.2018 directed the first respondent to pass orders on the representation submitted by the petitioner in the light of the recommendation forwarded by the second respondent on merits and in accordance with the law after giving opportunity of hearing. Accordingly the first respondent issued notice to the petitioner and conducted enquiry. During the enquiry, the petitioner handed over all the records pertaining to the subject land. However, order has been passed thereby rejecting the claim of the petitioner. Aggrieved by the same, the present writ petition has been filed.

3. The learned counsel for the petitioner would submit that though the petitioner was called for enquiry and he submitted all the documents, without conducting any enquiry, the first respondent passed order. Therefore it is clear violation of principles of natural justice.



W.P.No.897 of 2019

WEB COPY

Further, under the Act, the first respondent is not a competent person to pass any order. After detailed enquiry, the second respondent by its communication dated 10.09.2018 recommended the case of the petitioner and submitted report for re-clasification of land and also for issuance of patta in favour of the petitioner in respect of the subject property. However, without even considering the report submitted by the second respondent, the first respondent mechanically rejected the request made by the petitioner.

4. The first respondent filed counter stating that the petitioner is not at all entitled for any patta since even according to the petitioner, petitioner's vendor's father was issued conditional patta to conduct Thanneer Pandal under the Act. Further as per rule 43 of the Tamilnadu Minor Inams (Abolition and Conversion into Ryotwari) Rules, 1965, the Revenue Divisional Officer has executing power under section 21(7) (b) to notify the failure of the service holders and to issue a declaration.

5/16



W.P.No.897 of 2019

WEB COPY

Further, in support of his contention he also relied upon the judgment of

this Court in the case of *Ayyankutty(died) and others Vs. Revenue*

Divisional Officer, Salem reported in (2009) MLJ 335, wherein it is held

as follows:

15(ii) The reason for cancellation of patta is that the service providers have violated the condition on which the patta was granted under section 8(2) of the Act. There is violation of condition in terms of section 38(3) in view of the sale of service inam lands. The khazi service provider or the legal heirs has been noticed as provided in section 21(7)(b) of the Act. In this case, the inam land is intended for the khazi service provider and it is not their absolute property. The dedication was for pious and religious obligation. After coming into force the Wakf Act and also in view of the decision of the Apex Court which is already extracted, the dedication is a wakf and



WEB COPY



W.P.No.897 of 2019

the service providers have no right to alienate such property. In any event, there is a specific bar under [section 38\(3\)](#) of the Act which has been violated.

The cancellation of the ryotwari patta for the above stated reason is justified. In this case also no notice is intended on any other person except the service-holder which includes the legal heirs. They have been noticed. The subsequent purchasers have no say in the impugned proceedings. They are not the holders of ryotwari patta.

(iii) The petitioners in each case if at all have to proceed against their vendors for appropriate remedy which has resulted in the sale of land that has already vested with the Government and no person has a right to transfer such a land.



WEB COPY



W.P.No.897 of 2019

(iv) *Section 38(3)* clearly states that there is a prohibition of sale, mortgage, lease of the property and such transaction is void and inoperative. *The Act* is very specific and clear. Petitioners have purchased the property at their own peril. In view of the specific bar under the Act 30 of 1963, the issuance of revenue patta to the lands is of no consequence and it has no relevance to the impugned proceedings taken by the competent authority for violation of *section 38(3)* of the Act by issuing notice to the service holder as per *section 21(7)(b)* of the Act.

16. In any event, in the impugned order, the competent authority has not dealt with the rights of the petitioners or the alleged revenue patta issued in their name. The competent authority has dealt with the patta



WEB COPY



W.P.No.897 of 2019

issued in favour of legal heirs of Abdul Rasheed whose entitlement to ryotwari patta is based on the orders in STA No.41 of 1977 dated 20.7.1982 and the consequence of their act in sale of the property.

17. The revenue patta or any other patta granted contrary to the decision of this court in STA No.41 of 1977, cannot give a better right to the subsequent purchasers and they have no right to be noticed for cancellation of the patta issued under [section 8](#) of the Act 30 of 1963.

18. The petitioners are third parties to the proceedings. Merely on the basis of the sale deed, they cannot claim that they should be heard as a matter of right. Therefore, the petitioners' plea that in the proceedings of the Revenue Divisional Officer, they



WEB COPY



W.P.No.897 of 2019

should be heard cannot be accepted. When there is no legal right to hold the property, there is no necessity to put the petitioners on notice.

5. Thus it is clear that when there is no legal right to hold the properties, there is no necessity to put on notice. In fact in the case on hand, the petitioner was served with notice for enquiry by the first respondent. Thereafter the petitioner also attended enquiry and submitted all the documents. Therefore there is no question of not providing any opportunity to the petitioner before passing the order. That apart, on one hand, the petitioner raised ground that the first respondent has no jurisdiction to pass order under the Act. On the other hand, the petitioner himself filed petition before this Court in WP.No.32193 of 2018 seeking direction to the first respondent herein to pass order in the light of the recommendation of the second respondent herein. Therefore, this Court



W.P.No.897 of 2019

by order dated 06.12.2018, directed the first respondent to pass orders on

WEB COPY

merits and in occurrence with the law in the light of the report submitted by the second respondent.

6. On perusal of the affidavit filed by the third respondent, it is revealed that the subject land should continue to be 'thaneer pandal' and no individual person can sell the land. Therefore the said Jayaram Mudaliyar had absolutely no title over the property except the condition to conduct thaneer pandal as a public service. After demise of the said Jayaram Mudaliyar, the property should have been taken by the temple. In fact, to an extent of 71 acres of land in various survey numbers of Ponneri Village, Group Periyakaavanam is classified as Service Inam Lands. The subject land belongs to Agatheeswarar Temple, Kummamuniamangalam Village, Ponneri Taluk. During festival time, it is used to provide drinking water to the public who come for worship. No individual person can claim any right over the subject property. After

11/16



W.P.No.897 of 2019

WEB COPY

demise of the said Jayaram Mudaliyar, the property should have been taken by the temple. The legal heirs of the deceased Jayaram Mudaliyar cannot inherit the said property to execute any sale deed. Therefore the sale deed executed in favour of the petitioner itself is illegal and non est in the eye of law. In fact on the report submitted by the fourth respondent, the first respondent already cancelled the patta granted in favour of the individual person in respect of the land comprised in survey Nos.10/6, 10/7, 12/1, 130/7, 333/3 including other survey nos. situated at Kummamuniamangalam Village, Ponneri, Thiruvallur District. Without considering the above facts and circumstances, the second responded mechanically recommended for re-classification of the land and also for issuance of patta in favour of the petitioner. However, the first respondent rightly conducted detailed enquiry and without considering the report submitted by the second respondent, rightly rejected the request made by the petitioner.



W.P.No.897 of 2019

7. In view of the above this court finds no infirmity or illegality

WEB COPY

in the order passed by the first respondent. As such, this writ petition is

devoid of merits. Accordingly, this writ petition is dismissed.

Consequently, connected miscellaneous petitions are closed. There shall

be no order as to costs.

03.09.2025

(2/2)

Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order

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To

1.The District Revenue Officer,

Tiruvallur District

Tiruvallur

2.The Tahsildar,

Ponneri Taluk,

13/16



W.P.No.897 of 2019

Tiruvallur District
3.The Government Advocate,
High Court of Madras

G.K.ILANTHIRAIYAN, J.



WEB COPY



W.P.No.897 of 2019
lok

W.P.No.897 of 2019



WEB COPY



W.P.No.897 of 2019

03.09.2025

(2/2)