



W.P. Nos.47071/2006, etc.

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	Pronounced on
04.09.2025	19.09.2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NOS. 47071 TO 47073, 47108, 47109 & 47110 OF 2006

K.M.Abdul Rahman	.. Petitioner in WP 47071/2006
Mrs.Brinda	.. Petitioner in WP 47108/2006
K.Hamsa	.. Petitioner in WP 47072/2006
K.Arasumani	.. Petitioner in WP 47073/2006
Mrs.Reena Rahman	.. Petitioner in WP 47109/2006
Mrs.Sivanthi	.. Petitioner in WP 47110/2006

- Vs -

1. The Special Commissioner &
Commissioner of Land Administration
Ezhilagam, Chepauk, Chennai 600 005.

2. The Settlement Officer
Collector's Office Complex
Coimbatore.

3. The Settlement Tahsildar No.II
Taluk Office Campus
Gudalur, The Nilgiris 643 212.

4. The Assistant Settlement Officer
Taluk Office Campus
Gudalur, The Nilgiris 643 212.

.. Respondents in all petitions



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Writ Petitions filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari to call for the records relating to the order dated 14.05.2004 bearing No.R.Dis. (K1) R.P.19/87 passed by the Special Commissioner and Commissioner for Land Administration, the 1st respondent herein thereby cancelling the 'Ground Rent Patta' issued/granted in respect of the property presently owned and possessed by the petitioner and quash the same as null and void.

For Petitioners : Mr. T.R.Sathiyamohan

For Respondents : Mr. P.Kumaresan, AAG,
Assisted by
Mr. S.Senthil Murugan, Spl. GP

COMMON ORDER

The cancellation of ground rent patta by the 1st respondent in respect of the property owned and possessed by the respective petitioners vide the impugned order is put in issue before this Court through the present writ petitions.



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2. As the facts culminating in the filing of all the writ petitions are one and the same and they challenge the very same impugned order, they are taken up together and disposed of by this common order.

3. It is the case of the respective petitioners that they are resident of Gudalur Town for quite some time and during their stay, they purchased the respective extent of property, which was from a larger extent of lands owned by one Nanjan and 5 others and the said purchase was duly registered in the Office of the Sub Registrar, Gudalur. It is the further averment of the petitioners that since their purchase, they have been in absolute possession and enjoyment of the said extent of property and have even put up construction on the same and on their application, patta was also granted in their respective names in respect of the property purchased by them.

4. It is the further averment of the petitioners that out of blue, they came to know that the patta issued in their name was cancelled and that the property, in the revenue records stood classified as 'Vacant Ground Rent Site'. It is the further averment of the petitioners that upon enquiries, it came to light that the



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extent purchased by each of the petitioner forms part of a larger extent of property measuring about 42.5 cents, for which initially 'Ground Rent Patta' was granted to one Nanjan and 5 others in the year 1978/1979 by the Settlement Tahsildar, Gudalur. However, on revision filed against the same by one Velayuthan, the matter was remanded back and upon re-enquiry, the Assistant Settlement Officer, Gudalur granted 'Ground Rent Patta' in their favour.

5. It is the further averment of the petitioners that Kalyani Ammal, the mother of Velayuthan filed a revision against the subsequent order granting 'Ground Rent Patta' before the Settlement Officer, Coimbatore and the same was rejected vide order dated 6.10.1980 as time barred. However, later, the 1st respondent, suo motu reopened the files on the ground that the 1st respondent is empowered to deal with the revision under G.O. Ms. No.777/1984 dated 18.7.1984 and after a considerable lapse of time, viz., nearly 17 years, the 'Ground Rent Patta' issued to the said Nanjan & 5 others was cancelled vide order dated 14.5.2004 and further order was passed to treat the entire extent of property as 'Vacant Ground Rent Site'.



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6. It is the further averment of the petitioners that since the patta issued to the predecessors-in-interest of the petitioners stood cancelled, the patta issued to the petitioners also stood automatically cancelled. It is the further averment of the petitioners that the knowledge of cancellation of patta on 14.5.2004 came to their knowledge only during September, 2006. It is the further averment of the petitioners that upon coming to know of the cancellation of patta, they had traced the person, viz., Nanjan, who was originally granted the patta, which resulted in their learning that over the period of time, the property had changed hands multiple times and on account of the same, intimation about the cancellation of the patta to the present owners had become difficult.

7. It is the further averment of the petitioners that though a show cause notice appears to have been issued on 4.2.1987 to the original owners and a reply was given on 9.3.1987, yet, no action was taken on the said show cause notice only after a lapse of 17 years, only in the year 2004, the order of cancellation of the patta has been passed, more particularly without notice of hearing to the petitioners except for the one issued in the year 1987, which is



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clearly infraction of principles of natural justice as an order had come to be passed without grant of personal hearing.

8. It is the further averment of the petitioners that the revision petition was only at the instance of Kalyani Ammal, the mother of Velayutham, both of whom had expired pending the revision and in the interregnum agreement had been entered into with the wife of Velayuthan and based on the said agreement, the wife of Velayuthan had also requested to dismiss the revision petition, which was reopened suo motu after about seven years.

9. However, without considering the letter of the wife of Velayuthan, the 1st respondent, after a period of 17 years, had cancelled the Ground Rent Patta issued in favour of the said Nanjan and 5 others, without ascertaining the present state of affairs and ought to have issued notices to the present owners, who are interested parties. Further, the finding recorded by the 1st respondent that the petitioners have not filed documents to prove their ownership over their site and have also not proved that any building is in existence on the notified lands are grossly erroneous as the materials placed by the petitioners have not been



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considered in proper perspective and the 1st respondent has mechanically passed the impugned order, which has prompted the petitioners to file the present writ petitions.

10. Learned counsel appearing for the petitioners submitted that the impugned order suffers from total non-application of mind to the evidence and relevant materials available on record. It is the further submission of the learned counsel that there are buildings in existence on the notified site, yet without appreciating the said documents, the 1st respondent has passed the impugned order.

11. It is the further submission of the learned counsel that Section 14 of the Gudalur Janmam Estates (Abolition & Conversion into Ryotwari) Act (for short 'the Act') protects the lands in favour of the owners in which there exists a building such as the case of the petitioner as even during the earlier revision proceedings there was buildings in existence, yet, without properly considering the said fact, the patta was mechanically cancelled when the patta granted to the petitioners ought to have been protected in their favour.



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12. It is the further submission of the learned counsel that though the petitioners established their claim of ownership to the said lands, however, the authorities failed to consider the materials and did not record proper reasons while cancelling the patta granted suo motu and no proper reasons for cancellation has been recorded in the impugned order.

13. It is the further contention of the learned counsel that G.O. Ms. No.777/1984, which granted suo motu powers for re-opening the cases in which patta has been granted, cannot be applied retrospectively, moreso to reopen matters, which stood concluded way back on 18.7.1984. It is the further contention of the learned counsel that even otherwise, the suo motu proceedings were unduly delayed and the final order had come to be passed only in 2004, almost 17 years from the date of issuance of notice, which delay is fatal to the impugned order passed by the 1st respondent.

14. Without clear materials that there were no buildings put up on the lands for which the petitioners claim ownership and coupled with the delay in



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passing the impugned order after a delay of 17 years and the suo motu powers cannot be applied retrospectively, the impugned orders suffers from perversity and arbitrariness and the same requires to be interfered by this Court.

15. Per contra, learned Addl. Advocate General appearing for the respondents submitted that based on assessment reports submitted by the Assistant Settlement Officer, no building was found on the land in the year 1977-1978. In the absence of any building at the material point of time in the aforesaid lands, application of Section 14 of the Act would have no application to the case. Further, the buildings were constructed only after sale around the year 2005 and suo motu action had been taken way back in the year 1984 at which point of time there were no buildings put up on the said lands and, therefore, the petitioners cannot claim the benefit u/s 14 of the Act.

16. It is the further submission of the learned Addl. Advocate General that the Settlement Tahsildar had wrongly granted patta without following the provisions of Section 14 of the Act and only to safeguard the interests of such lands in possession of the Government, G.O. Ms. No.777/1984 was issued which



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clothed the Commissioner with unfettered suo motu powers and without limitation to take up such matters and decide on the patta issued and invoking such powers, the 1st respondent had taken up the issue suo motu and had reopened the case and passed orders, which cannot be said to be perverse or arbitrary

17. It is the further submission of the learned Addl. Advocate General that the title to the land itself is in dispute, which had resulted in the cancellation of patta, which had been granted to Nanjan and 5 others and the petitioners being subsequent purchasers, they would have no better right than the original pattadars to claim right and title to the said lands, which they have purchased and, therefore, they have no *locus standi* to maintain the present writ petitions.

18. It is the further submission of the learned Addl. Advocate General that notice was issued to the original pattadars who did not turn up for the hearing and, therefore, the claim of the petitioners, who are subsequent purchasers that no notice was issued to them and, thereby, there is violation of principles of natural justice is grossly erroneous. The purchase of the petitioners were only



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from the year 2000, though action had been taken as early as in the year 1984 and, therefore, the petitioners as subsequent purchasers would not be entitled to seek for any notice from the respondents as the respondents were not aware about the sale made to the petitioners. Further, the original patta granted to Nanjan and 5 others itself having been cancelled, the petitioners would not be entitled to step into the shoes of their predecessors-in-interest to claim for patta. Therefore, there is no error in the impugned order of cancellation of patta and, therefore, no interference is warranted and, accordingly prays for dismissal of the present petitions.

19. This Court gave its careful consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record as also the provisions of law to which this Court's attention was drawn.

20. The issues that arise for consideration in the present petitions could be broadly classified as under :-



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- i) Whether non-issuance of notice on the petitioners would attract violation of principles of natural justice to interfere with the order.
- ii) Whether Section 14 of the Act would stand attracted to the case on hand with regard to claim of ownership of the lands by the petitioners.
- iii) Whether the delay in passing the order after a period of about 17 years from the date of notice vitiates the order of cancellation.
- iv) Whether Rule 10 of the Gudalur Janmam Estates (Abolition & Conversion into Ryotwari) Rules, 1974, granting suo motu powers to the Commissioner of Land Administration to revisit an order already



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passed operates prospectively or
retrospectively.

21. There could be no quarrel with the fact that the petitioners herein are subsequent purchasers of land, which had passed hands through various persons and ultimately landing in the lap of the petitioners. The petitioners in all the writ petitions have purchased the lands subsequent to the issuance of notice, more particularly after the year 2000. The notice with regard to cancellation of 'Ground Rent Patta' was issued to the original pattadar, viz., Nanjan & 5 others. The whole claim of the petitioners is based on violation of principles of natural justice as no notice has been issued to them before cancellation of patta granted to them.

22. As already aforesaid, the lands were purchased by the petitioners from various other persons who had purchased the said lands from Nanjan & 5 others. The said sale had taken place somewhere in the year 2000 or thereabouts and thereafter. The notice, on the date when it was issued, was issued on the persons, who were entered as the pattadars and, thereafter, when the matter



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was taken up, there being no representation for the noticee, the matter was dealt with by the 1st respondent.

23. It is to be noted that upon purchase of the lands by the petitioners, the petitioners had applied for patta before the Settlement Tahsildar, which was granted in the year 2006. Only from the year 2006, the revenue records, if at all, carried the names of the petitioners and prior to that, the names of the petitioners were not available in the revenue records. The impugned order was passed in the year 2004, in and by which the patta granted to the predecessors-in-interest of the petitioners stood cancelled. In such a backdrop, the names of the petitioners having not been reflected in the revenue records, the non-issuance of notice on the petitioners cannot be said to be violation of principles of natural justice.

24. It is the stand of the petitioners that the cancellation order has been passed belatedly after a lapse of about 17 years during which time the petitioners have entered into the transaction and, therefore, the delay has caused grave prejudice to the petitioners. Though the said contention is advanced, it is to be



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pointed out that as the purchasers of the land, the petitioners ought to have been vigilant and sought details from the revenue authorities before purchasing the lands and the concealment of the notice by the predecessors-in-interest of the petitioners cannot be put against the respondents, as the respondents had acted in accordance with law. Though the belated passing of the order is bittersweet, it cannot be said to be erroneous, since if at all grievance is to be espoused, it could only be by the predecessors-in-interest of the petitioners and the predecessors-in-interest of the petitioners having not expressed any grievance at the cancellation of patta, the petitioners, being subsequent purchasers, cannot step into the shoes of the predecessors-in-interest to make any claim over the said lands, when the right of the predecessors-in-interest itself had been taken away by the cancellation of patta, which had been granted in their favour.

25. Further, as aforesaid, the notice had been issued to the predecessors-in-interest of the petitioner at which point of time, the petitioners were nowhere in the picture. The said notice has not been put to challenge by the predecessors-in-interest of the petitioners in any manner and, therefore, the petitioners would



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not get any right to challenge the same, as before the purchase, the petitioners ought to have exercised diligence and any purchase made by them ignorant of the fact situation cannot render the act of the respondents in cancelling the patta erroneous or perverse.

26. One of the main contentions advanced on behalf of the petitioners related to the existence of building on the lands so purchased and placing heavy reliance on Section 14 of the Act, it is contended that patta cannot be cancelled in respect of lands on which buildings had been put up.

27. Section 14 of the Act, for better appreciation, reads as under :-

“14 Vesting of Buildings :-

(1) Every building situated within the limits of a janmam estate shall, with effect on and from the appointed day, vest in the person who owned it immediately before that day; but the Government shall be entitled for each fasli year commencing with the fasli year in which the appointed day falls, to levy the appropriate assessment thereon.

(2) In this section “building” includes the site on which it stands and any adjacent premises occupied as an appurtenance thereto.”



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28. From the above provision it is clear that where building is situate on the lands of a janmam estate on the appointed date, the said building and the land will vest in the person who owned it immediately before the that day. Only on the aforesaid basis it is claimed that there exists a building and, therefore, the petitioners, as the owners of the building would also be entitled to the lands and patta has to be granted to them.

29. In this regard, it is the stand of the respondents that on the appointed day when the Act came into force would be the crucial day to determine whether the land vests with the owner of the building. It is the stand of the respondents that upon issuance of notice, the lands were inspected by the Asst. Settlement Officer and a report was filed that there was no building in existence and, therefore, Section 14 of the Act will not have application and the petitioners would not be entitled to patta or ownership over the said lands.

30. A perusal of the counter filed by the respondents reveal that the 1st respondent had directed the Assistant Settlement Officer, Dharapuram, to submit



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a report after making proper field inspection and after inspecting the subject lands, the Assistant Settlement Officer had confirmed that no buildings existed on the lands, which are claimed to have been purchased by the petitioners on the appointed day. Therefore, it is clear that the patta granted to the petitioners is beyond the provision of Section 14 (1) of the Act.

31. Further, as already stated above, the lands were purchased by the petitioners during the year 2000 or thereabouts, whereas the notice was issued to the predecessors-in-interest of the petitioners on 4.2.1987 to which reply was submitted by Nanjan & 5 others, who are the predecessors-in-interest of the petitioners on 9.3.1987. On the said date, there was no building put up on the lands, which would be evident from the affidavit filed by the petitioners in support of the writ petition, in which it has clearly been undertaken by the petitioners that they had purchased the lands through the respective sale deeds and it is not the claim of the petitioners that they had purchased the lands along with the buildings. Such being the case, the purchase of the petitioners is only with regard to the lands and only thereafter they had put up constructions and in this backdrop, on the appointed date, there existed no buildings on the said



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lands, Section 14 of the Act would be of no avail to the petitioners to claim ownership over the lands. Therefore, the contention in this regard deserves to be rejected.

32. The only point that remains and which requires determination of this Court is with regard to operation of the suo motu powers of the Commissioner under G.O. No.777/1984 and whether such operation would be prospective or retrospective.

33. Suo motu power to take up action is vested with the Commissioner of Land Administration under Rule 10 of the Gudalur Janmam Estates (Abolition & Conversion into Ryotwari) Rules, 1974 (for short "Rules, 1974"). According to the petitioners, the operation of the suo motu powers would only be prospective and would not have retrospective operation, whereas according to the respondents sub-rule (3) to Rule 10 provides for retrospective operation of the suo motu powers.



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34. To appreciate the same, Rule 10 of Rules, 1974, requires to be adverted to, which reads as under :-

"10. Vesting of buildings.

(1) The Settlement Officer shall enquire into the claims of any person for a decision as to in whom the building shall vest under section 14 of the Act.

(2) The provisions of rule 8 as in enquiry shall apply mutatis mutandis in regard to such claims.

(3) The power of the Settlement Officer specified in sub-rule (1) shall "be exercisable also by the Assistant Settlement Officer subject, to revision by the Settlement Officer, the Director of Survey and Settlement and the Commissioner of Land Administration. Such revision petitions, other than, the revision to the Commissioner of Land Administration, shall be preferred with in thirty days from the date of communication of the order sought to be revised and the revision petition to the Commissioner of Land Administration shall be preferred within sixty days from the date of communication of the order sought to be revised. The Commissioner of Land Administration may, at any time in his discretion, suo motu call for, examine and revise, if necessary, any order passed or proceeding recorded by the Assistant Settlement Officer, the Settlement Officer or the Director of Survey and Settlement:

Provided that the Assistant Settlement Officer, the Settlement Officer, the Director of Survey and Settlement or



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the Commissioner of Land Administration shall not pass any order prejudicial to any person unless he has had a reasonable opportunity of making his representations.”

(Emphasis Supplied)

35. Rule 10 relates to vesting of buildings. Sub-rule to Rule 10 explicitly speaks that ‘*the Commissioner of Land Administration may, at any time in his discretion, suo motu call for, examine and revise, if necessary, **any order passed or proceeding recorded** by the Assistant Settlement Officer, the Settlement Officer or the Director of Survey and Settlement*’. It is clear even from a plain reading of sub-rule 3 to Rule 10 that the rule operates retrospectively, as the Commissioner of Land Administration, may suo motu examine any order passed and it does not provide any time lines after which such suo motu power could be exercised by the Commissioner. It is therefore clear that if in the opinion of the Commissioner of Land Administration any order passed by an authority under him, he could re-examine such order.

36. In the present case, the patta was initially granted to the predecessors-in-interest of the petitioners, which was cancelled and the matter remanded on



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the basis of the appeal filed by one Velayuthan and, thereafter, upon reissuance of patta, the revision petition was filed before the 1st respondent by the mother of Velayuthan. Pending the revision petition, notice was issued to the predecessors-in-interest of the petitioner to which reply was also submitted and, thereafter, the impugned order cancelling the patta issued to the predecessors-in-interest of the petitioners had come to be cancelled, which has not been questioned by the predecessors-in-interest of the petitioners and as a consequence thereof, the patta granted to the respective petitioners had also come to be cancelled.

37. When for the reasons recorded in the impugned order, exercising the suo motu powers available u/r 10 (3) of Rules, 1974, the 1st respondent had cancelled the patta issued to the predecessors-in-interest of the petitioners and also the pattas granted to the petitioners, the petitioners cannot come before this Court and claim that retrospective operation of Rule 10 (3) is not permissible as such a contention runs counter to the provisions of the Rule and, therefore, the same deserves to be rejected.



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38. In view of the discussion above, all the issues are answered against the petitioner and, therefore, the impugned order passed by the 1st respondent does not suffer from any perversity or arbitrariness and the same does not require any interference at the hands of this Court. Accordingly, all the writ petitions fail and they are dismissed. There shall be no order as to costs.

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Index : Yes / No

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M.DHANDAPANI, J.

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**PRE-DELIVERY ORDER IN
W.P. NOS. 47071 TO 47073,
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**Pronounced on
19.09.2025**