



WEB COPY



W.A.No.300 of 2025

S.M.SUBRAMANIAM, J.
and
MOHAMMED SHAFFIQ, J.

Today, the matter has been listed under the caption “for being mentioned” at the instance of the learned Additional Advocate General.

2. On a careful reading of the doubt raised by the learned Additional Advocate General, this Court found that no further clarifications or corrections is required.

(S.M.S.,J.) (M.S.Q.,J.)
30.10.2025

dsa



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 16.10.2025

PRONOUNCED ON : 28.10.2025

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.ANos.2254 of 2022 & 300 of 2025

WA No. 2254 of 2022

Kiliammal (deceased)

K.Thiurnavukkarasu (deceased)

1.T.Kokila

2.T.Ashok Raj

3.T.Ramya

4.T.Rajalakshmi

Appellant(s)

Vs

Madurai Muthu (deceased)

1. Karunakaran

2.Mahalingam

3.Ramadoss

4.State of Tamil Nadu

Rep. by its Special Commissioner and
Commissioner of Land Administration,
Chepauk,
Chennai - 600 005.

5.The Director of Land Survey and
Settlement



Chepauk, Chennai - 600 005.

6.The Settlement Officer
Chepauk, Chennai - 600 005.

7.The Assistant Settlement Officer
Chepauk, Chennai - 600 005.
Tiruvannamalai

8.The Managing Director,
Tamil Nadu State Housing Board,
Anna Salai, Nandanam,
Chennai - 600 035.

9.The Secretary to Government
Revenue Department,
Fort St.George,
Chennai - 600 009.

Lalithambal (Deceased)

10.Valmurthy

11.N.Jaya

12.Mangathal

13.Suseela

Bagirathi (Died)

14.S.Ramu

15.Suguna

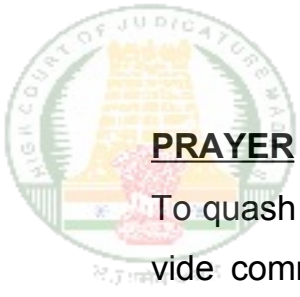
16.Indira

17.A.K.Sankarprasad

18.A.K. Muthusamy

19.S.Suresh

Respondent(s)



PRAYER

To quash the order in so far as it concerned in W.P.No.14418 of 2003 passed vide common order dated 29.04.2022 in W.P.No.14418 of 2003 and batch cases.

For Appellant(s): Mr.R.Malaichamy

For Respondent(s): Mr.R.Ramanlaal
Additional Advocate General
asst by
Mr.T.Arun Kumar
Additional Government Pleader for R4-7&9
Mr.J.Ravindran
Additional Advocate General
asst by
Mr.D.R.Arun Kumar for R8
R1-3, 10, 12 to 18 - No appearance
R19- Not ready in notice
R11- Died (steps due)

WA No. 300 of 2025

Bakayarathi (Deceased)

1. D. Suguna
- 2.G. Indira
- 3.S. Ramu
- 4.S. Mangatha @ Mangamma
- 5.Suseela
- 6.Valmoorthy @ N. Moorthy
- 7.E. Anusuya
- Usha (Since Deceased)
- 8.Selvi P
- 9.Lakshmi S



10.J. Kala

11.Thirumaran Pushparaj

WEB COPY

Appellant(s)

Vs

1. The Government of Tamil Nadu
Rep by its Secretary,
The Department of Housing and Urban
Development, Fort St George,
Chennai 600 009.

2.The Chairman and Managing Director
The Tamil Nadu Housing Board,
Nandanam, Chennai 600 031.

3.The Special Deputy Collector (LA)
State Housing Board Scheme,
Thirumangalam, Chennai 600 101

4.The Executive Engineer
Special Division I, State Housing Board
Scheme, Thirumangalam,
Chennai 600 101

5.Lalitha Ammal

6.D. Poonusamy

7.P. Porselvan

Respondent(s)

PRAYER

To set aside the common final order dated 29.04.2022 passed in
WP.No.13723 of 2004.

For Appellant(s): No appearance

For Respondent(s): Mr.Vadivelu Deenadayalan
Additional Government Pleader for R1



Mr.J.Ravindran
Additional Advocate General
asst by
Mr.D.R.Arunkumar for R2-4
R5-7- Not ready in notice

COMMON ORDER

S.M.SUBRAMANIAM, J.

Under assail is the common writ orders dated 29.04.2022 in W.P.No.14418 of 2003 and W.P.No.13723 of 2004.

2. The Writ petitioners are appellants before this Court. The writ petitions have been instituted challenging the order passed by the Commissioner of Land Administration in Proceedings dated 25.06.2002 and for declaring that the lands situated in Survey No.207/14, measuring an extent of 1.49 acres, situated in Thirumangalam Village, Saidapet Taluk, is not covered under Section 4(1) Notification.

3. The appellants state that they are in possession of the subject land comprised in Survey No.207/14A, measuring an extent of 1.49 acres, at Koyembedu Village, Chennai for several decades. They claim the subject land as their ancestral property. An application seeking patta was filed before the Assistant Settlement Officer, who in turn directed to issue patta in the name of the appellants. The Settlement Officer, Chepauk, Chennai, passed an order dated 10.03.2000, setting aside the order passed by the Assistant Settlement



Officer dated 14.11.1996. Thus, the appellants preferred a revision before the Commissioner of Land Administration. The appellants claim that the subject property was purchased by their great grandfather, Mr. Alavattan in the year 1914. Therefore, they are entitled for patta. The Commissioner of Land Administration adjudicated the issues and rejected the claim of the appellants. Thus, the writ petitions came to be instituted.

4. The learned counsel for the appellants in W.A.No.2254 of 2022 would mainly contend that the appellants have established their title through documents. Patta initially granted by the Assistant Settlement Officer was cancelled by the Settlement Officer. The Commissioner of Land Administration failed to consider the documents produced by the appellants. The appellants are in possession of the property. The 1st respondent failed to consider entitlement of the appellants to ryotwari patta under Section 11(A) of Estate (Abolition and Conversion into Ryotwari) Act, 1948 (hereinafter referred to as 'the Ryotwari Act'). It is further contended that the subject land belonging to the appellants was not acquired. The land to an extent of 8.63 acres had been acquired by the Government. However, the subject land measuring 1.49 acres, under the possession of the appellants, had not been acquired. Thus, the writ appeals are to be considered.

5. The learned Additional Advocate General appearing on behalf of the State would oppose by stating that Koyembedu Village, originally a hamlet



of Thirumangalam Village in Egmore-Nungambakkam Taluk, Chennai, was notified under the Ryotwari Act. The said village was taken over by the Government on 03.01.1951 as per G.O.No.3157, Revenue dated 09.12.1950. Settlement was introduced and as per the settlement "A" Register. Patta in respect of land comprised in Survey No.207/14 and Survey No.207/14(A) and 14(B), Koyembedu Village, stood in the name of Mrs.Lalithambal were acquired for Tamil Nadu Housing Board vide Award Nos.4/67 and 5/67, dated 25.02.1967. After acquisition, possession also had been taken over by the Government and handed over to Tamil Nadu Housing Board on 02.03.1967. Mrs.Lalithambal was identified as an absolute owner of the subject property and compensation had been settled in her favour. The Assistant Settlement Officer, without considering any of these aspects, directed to grant patta. However, the Settlement Officer reversed the order, and the Revisional order issued by the Commissioner of Land Administration reiterate that the appellants are not entitled for patta. The lands were acquired for the formation of Anna Nagar Scheme, which includes the subject land measuring 1.49 acres. The Commissioner of Land Administration verified the records and found that there is no valid documentary proof to establish the claim of the appellants and the legal heirship. The land was acquired for Tamil Nadu Housing Board in the year 1967. Thus, the present writ appeal is to be rejected.

6. This Court has considered the arguments as advanced between



the parties to the lis on hand.

WEB COPY

7. The order passed by the Assistant Settlement Officer was set aside by the Settlement Officer. Thereafter, the Commissioner of Land Administration passed order in the Revision Petition, elaborately considering the issues raised between the parties. The claim of the appellants to issue ryotwari patta to an extent of 1.49 acres of land in Survey No.207/14(A) of Koyembedu Village, Egmore-Nungambakkam Taluk, Chennai District has been found to be a triangular contest for issue of patta. The parties to the contest are Kiliyammal and 13 others, Tamil Nadu Housing Board and Valmurthi and 7 others.

8. It is not in dispute that the land acquisition proceedings were initiated in the year 1967 to acquire a larger extent of land in Koyembedu Village. The contention of the appellants is that their lands were not acquired. In this regard, the Commissioner of Land Administration, scrutinizing the records, made a finding that, in 4(1) Notification, the extent of land mentioned is 8.63 acres, but in the draft declaration, the extent of land mentioned is 10.03 acres. However, awards were passed for 11.05 acres. However, these grounds were raised by the Mr.M.Rajendran, Power of Attorney to Mr.Nadesan and Swaminathan before the High Court in W.P.No.2409 of 1992. The High Court gone into the merits in detail and made a finding in order dated 28.06.2001 in W.P.No.2409 of 1992 as follows,



WEB COPY



“There are absolutely no merits in this Writ petition, which is highly belated. It is admitted that the original owner Lalitha Ammal had received the entire compensation in respect of the entire extent of her interest in the survey field in question and it is not open to the petitioner or third parties to claim themselves some interest as successors or otherwise and they cannot maintain a writ petition, which is highly belated, besides the writ petition is incompetent and it has not been filed by a person who is interested in the land. The acquisition has been completed during the year 1967 and possession has been taken after payment of entire compensation during the year 1967 Only during the year 1992, the writ petition has been filed. By then, whatever interest, if any of the petitioner in respect of the land acquired by the Respondents would have been lost, if they had not instituted the suit before the expiry of limitation.”

9. The order of the High Court clearly establishes that Lalithambal should have raised her claim at the time of award enquiry itself. However, such claim was raised before the Settlement forum for the first time only in the year 1996. The settlement proceeding was held in the year 1951. After admitting the claim, such grounds are not available after a lapse of 45 years.

10. The Commissioner of Land Administration considered the documentary evidences relied on by the Assistant Settlement Officer and the



Settlement Officer. The Assistant Settlement Officer, Tiruvannamalai in his proceedings dated 14.11.1996, granted patta in favour of Mrs.Kiliyammal and 13 others, holding them as legal heirs of Amavasai. The Settlement Officer, Thanjavur, in his proceedings dated 10.03.2000, cancelled the order of the Assistant Settlement Officer and granted patta in favour of Valmurthi and 7 others, holding them as legal heirs of Amavasai. There is no valid documentary proof for the legal heirship of either of the parties. The Commissioner found that the property was acquired in the year 1967 by the Government and handed over the land to Tamil Nadu Housing Board. Thus, the Commissioner of Land Administration made a finding that it is blatantly irregular to pass order in favour of either of the parties after a long delay of more than 45 years, without any valid documentary proof to establish their claim.

11. Thus, both the orders of the Assistant Settlement Officer, Tiruvannamalai, dated 14.11.1996 and Settlement Officer, Thanjavur dated 10.03.2000, were set aside by the Commissioner of Land Administration. It was found that none of the parties have established any right over the property. Contrarily, the land was acquired by the Government for public purposes in the year 1967 and it was handed over to the Tamil Nadu Housing Board, the requisitioning body. Thus, a claim set out after a lapse of 45 years cannot be entertained, and the sanctity of those documents also cannot be trusted upon.



12. On account of skyrocketing of market value of subject property, which is situated in Chennai city, greedy men are attempting to grab lands one way or other by creating documents. In the present case, the appellants set out their claim after a lapse of 45 years. The subject land is situated in Anna Nagar, Chennai city. Possibility of official collusion and corrupt practices cannot be over-ruled.

13. In the present case, ryotwari patta has been initially granted by the Assistant Settlement Officer, Tiruvannamalai after a lapse of 45 years in favour of Kiliyammal and 13 others, and the Settlement Officer, Thanjavur granted patta in the name of Valmurthi and 7 others. Finally, in Revision proceedings, the Commissioner of Land Administration found that both the orders are irregular and the subject land was acquired by the Government in the year 1967 and handed over the same to the Tamil Nadu Housing Board. If at all any mistake in the acquisition proceedings, actions could have been initiated during the relevant point of time. That apart, the High Court in order dated 28.06.2001 passed in W.P.No.2409 of 1990, held that the acquisition had been completed during the year 1967 and possession had been taken after payment of entire compensation in the year 1967. Only during the year 1992, the said writ petition has been filed. By then, whatever interest, if any of the appellants in respect of the land acquired by the respondents would have been lost, if they had not instituted the suit before the expiry of limitation.



When the issues have been already decided by the High Court in the year 2001 and the acquisition proceedings became final in the year 1967 itself, now an attempt has been made to grab public property, and any such attempt cannot be encouraged by the High Court.

14. The Writ Court also elaborately considered the facts as well as the documents and the orders of the Commissioner of Land Administration. The findings made by the Writ Court is in consonance with the facts as well as established principles of law and require no further interference.

15. Consequently, the common writ orders dated 29.04.2022 in W.P.No.14418 of 2003 and W.P.No.13723 of 2004 stand confirmed and the Writ Appeals are dismissed. No costs. The connected miscellaneous petitions, if any, are closed.

(S.M.SUBRAMANIAM J.)(MOHAMMED SHAFFIQ J.)
28.10.2025

gd
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No



To

1The Special Commissioner and Commissioner of Land Administration,
Chepauk,
Chennai - 600 005.

2.The Director of Land Survey and Settlement
Chepauk, Chennai - 600 005.

3.The Settlement Officer
Chepauk, Chennai - 600 005.

4.The Assistant Settlement Officer
Chepauk, Chennai - 600 005. Tiruvannamalai

5.The Managing Director,
Tamil Nadu State Housing Board, Anna Salai, Nandanam,
Chennai - 600 035.

6.The Secretary to Government
Revenue Department,
Fort St.George,
Chennai - 600 009.

7. The Government of Tamil Nadu
Rep by its Secretary,
The Department of Housing and Urban Development, Fort St George,
Chennai 600 009.

8.The Chairman and Managing Director
The Tamil Nadu Housing Board, Nandanam, Chennai 600 031.

9.The Special Deputy Collector (LA)
State Housing Board Scheme, Thirumangalam, Chennai 600 101

10.The Executive Engineer
Special Division I, State Housing Board Scheme, Thirumangalam,
Chennai 600 101



WEB COPY



S.M.SUBRAMANIAM, J.

and
MOHAMMED SHAFFIQ J.

gd

Pre-Delivery Order in
W.ANos.2254 of 2022 & 300 of 2025

28.10.2025