IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 26.09.2025

DELIVERED ON : 08.10.2025

CORAM:

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

W.P.Nos.21511, 22321, 22322 and 22323 of 2018
and W.M.P.Nos.25265, 25266, 26151, 26152, 26153, 26154, 26155 and 26156 of 2018

1. A.Sivaprakasam
2. S.Bagiyalakshmi ... Petitioner **in W.P.No.21511 of 2018**

Vikas Metha ... Petitioner **in W.P.No.22321 of 2018**

Goutham ... Petitioner **in W.P.No.22322 of 2018**

Sampatraj Mehta ... Petitioner **in W.P.No.22323 of 2018**

-Vs-

1. The District Revenue Officer,
   Kancheepuram District.

2. The Revenue Divisional Officer,
   Maduranthagam, Kancheepuram District.

3. G.Munusamy ... Respondents **in both W.Ps**

Common Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records of the second respondent in its Na.Ka.No.105/2015/C dated 24.10.2015 as it confirmed in appeal by the first respondent in its proceedings Na.Ka.No. 28353/15/N4 dated 11.06.2018 and quash the same in so far as it directs the cancellation of patta issued in favour of the two writ petitioners.

In all W.Ps

For Petitioners	: Mr.S.R.Rajagopal, Senior Counsel for Mr.S.Namasivayam
For R1 and R2	: Mr.T.Arun Kumar Additional Government Pleader
For R3	: Mr.K.Anandhu

COMMON ORDER

These writ petitions have been filed challenging the order passed by the second respondent in its Na.Ka.No.105/2015/C dated 24.10.2015 as it confirmed in appeal by the first respondent in its proceedings Na.Ka.No. 28353/15/N4 dated 11.06.2018.

2. These writ petitions have been filed challenging the very same orders passed by the respondents 1 and 2 herein. Therefore, this Court is inclined to pass a common order.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. One M.A.C.Khaleeli had purchased the property to an extent of 34.26 acres from several individuals through 13 sale deeds between the year 1991 – 1993. He died in the year 1998 leaving behind his legal heirs. All six legal heirs

derived the title over the property and had 1/6th share. One of the share holders M.A.Nazeer Khaleeli had executed the Power of Attorney authorizing the first petitioner in W.P.No.21511 of 2018 to deal with his 1/6th share. On the strength of the Power of Attorney, the first petitioner in W.P.No.21511 of 2018 had executed the sale deed dated 12.03.2008 in favour of the second petitioner in W.P.No.21511 of 2018. In respect of another 1/6th share owned by another legal heir had executed a Power of Attorney dated 22.12.2009 in favour of the first petitioner in W.P.No.21511 of 2018. In turn, once again, the first petitioner in W.P.No.21511 of 2018 had executed a sale deed in favour of the second petitioner in W.P.No.21511 of 2018. Thus, the second petitioner in W.P.No.21511 of 2018 derived title over 2/6th undivided share out of the total extent of 34.26 acres. Thereafter, another legal heir had executed a sale deed in respect of his 1/6th share in favour of the first petitioner in W.P.No.21511 of 2018 by the registered sale deed dated 09.12.2013. Both the petitioners in W.P.No.21511 of 2018 have title over the 3/6th undivided share of the subject property. Other three legal heirs have their respective title over the 1/6th undivided share of the subject property. They were issued joint patta in Patta No.609.

5. While being so, the third respondent herein lodged a complaint before the second respondent as Power Holder from one of the legal heirs.

Subsequently, he also mortgaged the 1/6th share of the subject property and availed loan. On the complaint lodged by the third respondent, the second respondent called for enquiry. During enquiry, the petitioners submitted their statements along with documents. The concerned Jurisdictional Thasildar also submitted a report. After enquiry, the second respondent cancelled the patta issued in favour of the petitioners and directed the revenue authorities to restore the patta in respect of the subject land in the original name. Aggrieved by the same, the petitioners preferred appeal before the first respondent and the same was also dismissed, confirming the order passed by the second respondent. Hence, these writ petitions.

6. The learned Senior Counsel appearing for the petitioners submitted that the petitioners were not given an opportunity of hearing by the Thasildar at the time of conducting enquiry before submitting the report before the second respondent. Thus, it is a clear violation of Principles of Natural Justice. The documents and statements furnished by the petitioners before the second respondent were not considered during the enquiry. In fact, the enquiry report submitted by the Tahsildar was not served on the petitioners for effective defence. The third respondent has no locus to lodge such a complaint. He is in no way connected to the property and an objection can be made only by the

rival claimant in respect of the subject land. Further, now the second respondent cannot classify the subject land as Government land, since it was already assigned and violating the assignment conditions, it was sold out. The said stand was never taken before the second respondent. The patta was issued in favour of the petitioners in W.P.No.21511 of 2018 for the property comprised in S.No.64/1B2B. However, in the sale deed of the third respondent's vendor, it was erroneously shown as S.No.64/2B1B, but in the Patta it was shown as 64/1B2B. Therefore, it cannot be the ground to cancel the patta issued in favour of the petitioners.

7. Further, in respect of S.No.24/1B to an extent of 0.15.0 hectares, it is also wrong, since the petitioners vendor's father the said M.A.C.Kaleeli had purchased the subject property from one Muthu Krishna Reddi. Therefore, the entire findings of the second respondent cannot be sustained and is liable to be set aside. In respect of the property comprised in S.No.8/2A2, the petitioners' vendor's father had purchased 29 cents in S.No.8/2A in the year 1991-1992. After his demise, his six legal heirs inherited the said property. Thereafter, the petitioners had purchased the said property. Further, the second respondent held that the sale deed in favour of the petitioners with regard to S.Nos.62/2, 62/3 and 62/4 is null and void as the Assistant Commissioner, Land Reforms had

conveyed the said property in favour of the petitioners' vendors in the year 1995 and the same was sold within a period of 20 years. The assessment was made on payment of full sale consideration and patta was also issued in favour of the respective assignees. Therefore, there is no illegality or impropriety in the sale executed in favour of the petitioners' vendor's father. He further submitted that now the petitioners are in possession and enjoyment of the subject property. However, the patta has been mechanically cancelled.

8. A perusal of the counter filed by the second respondent and on the submissions made by the learned Additional Government Pleader appearing for the respondents 1 and 2 revealed that the subject property is classified as “Assessed Waste Dry”. The properties are detailed hereunder:-

SF.No.	**Extent (Acres)**	**Classification**
6/2	0.83	Assessed Waste Dry
7/1	1.29	Assessed Waste Dry
24/1B	0.37	Assessed Waste Dry
27/2	5.58	Assessed Waste Dry
27/3	2.96	Assessed Waste Dry
26/1	0.40	Assessed Waste Dry
62/1	0.50	Assessed Waste Dry
62/2	0.50	Assessed Waste Dry
62/3	0.50	Assessed Waste Dry
62/4	1.80	Assessed Waste Dry
64/1B2A	2.95	Assessed Waste Dry
64/1B2B	4.06	Assessed Waste Dry

SF.No.	Extent (Acres)	Classification
2	0.82	Assessed Waste Dry

9. Thus, it is clear that the above lands belong to the Government and are classified as "Assessed Waste Dry" as per the revenue records. The specific case of the petitioners is that after the demise of the said M.A.C.Khaleeli, the legal heirs derived the title over the property and subsequently sold out the same. Though the third respondent claimed 1/6th share of the entire property, on the complaint, the second respondent conducted enquiry. The second respondent directed the concerned jurisdictional Thasildar to submit a report. The jurisdictional Thasildar conducted enquiry and submitted a report. On receipt of the report, the second respondent issued notice to all the petitioners and after recording their statement and after giving opportunity of hearing to them, passed a detailed order. Therefore, there is no question of violation of Principles of Natural Justice. The concerned jurisdictional Thasildar submitted a report as per the revenue records and also on the basis of the statement recorded from the parties concerned. Therefore, the concerned jurisdictional Thasildar need not hear the petitioners herein to submit his/her report.

10. The said lands were originally assigned in favour of the vendor viz., M.A.C.Khaleeli. The assignee sold out the subject land within a period of 20 years from the date of assignment. As per the conditions of assignment, the

assignee shall not sell the land within a period of 20 years from the date of assignment. The said condition was violated and the land was sold out in favour of the said M.A.C.Khaleeli. Even now in the revenue records, the subject land is classified as "Assessed Waste Dry" and it is vested with the Government. The Government had assigned the said land to the poor people and after assignment, it was intentionally purchased by the said M.A.C.Khaleeli's vendor. In respect of the land comprised in S.No.64/1B2A, to an extent of 2.95 acres and the land comprised in S.No.64/1B2B, to an extent of 4.06 acres, both are classified as Dry Assessed Waste poromboke land and it belongs to the Government. Therefore, the petitioners have no semblance of right to deal with the properties.

11. Further, the land comprised in S.Nos.62/2, 62/3 and 62/4 were assigned in favour of the legal heirs of the said M.A.C.Khaleeli under the Land Ceiling Act by the proceedings dated 31.05.2015, on condition that the assigned land shall not be sold or otherwise alienated before the expiry of a period of 20 years from the date of assignment or before the payment of the value of the land and buildings and trees thereon in full whichever is later and not even thereafter in respect of the lands assigned to a member of Scheduled Caste or to a member of Scheduled Tribes except to other members of the Scheduled Castes or to the

other members of the Scheduled Tribes as the case may be. The assignment patta was registered in favour of three persons viz., சாபரே உறிராஜூ, in respect of the property comprised in S.No.62/2 to an extent of 0.73.00 hectare in Patta No.124, அப்துல்காசீம் மகன் அப்துல்வகாப் in respect of the property comprised in S.No.62/3 to an extent of 0.73.00 hectare in Patta No.57 and அப்துல் காசீம் மகன் முகமது கபீர் in respect of the property comprised in S.No.62/4 to an extent of 0.74.00 hectare in Patta No.123. Even before completion of 20 years, the petitioners in W.P.No.21511 of 2018 have purchased the said lands and made a further sale out of it. Further, the said M.A.C.Khaleeli, in the year 1992 had purchased the land comprised in S.No.64/2B1B to an extent of 4.06 acres from one Thoorimuthu Krishna Reddiyar, Thoori Ramanjalu Reddiyar and Thoori Madhava Reddiyar. Thereafter, the said property was purchased by the petitioners.

12. As per the revenue records, the land comprised in S.No.64/1B2B to an extent of 1.64.0 acres is classified as Government Tharisu. Further, there is no records to show that the patta was issued in favour of third persons in respect of the land. But in the sale deed of the year 1992 registered vide Document No.421/1992, the said M.A.C.Khaleeli wrongly mentioned the survey number

as S.No.64/2B1B. In respect of the land comprised in S.No.24/1B to an extent of 0.15.0 hectare, the land was owned by one Muthu Krishna Reddiyar and two others. One of the land owners viz., Madhava Reddiyar alone had executed a sale deed in favour of M.A.C.Khaleeli in respect of the land ad-measuring 0.37 acres registered vide Document No.429/1992. Though the petitioners' vendor's father purchased those lands, in the revenue record, it is classified as Government Tharisu. Further, the land comprised in S.No.8/2A2, to an extent of 0.08.0 acres stands under Patta No.77 in favour of three persons. Further, there is no record to show that the petitioner's vendor's father purchased the said land. However, without any title over the said property, the said M.A.C.Khaleeli's legal heirs had executed Power of Attorney in favour of the petitioners in W.P.No.21511 of 2018. There is no records to show that there was sub-division after purchase. Therefore, the second respondent had rightly cancelled the patta issued in favour of the petitioners in respect of the land comprised in S.Nos.62/2, 62/3, 62/4, 64/1B2B, 24/1B and 8/2A2 under Patta No.609 and restored the said lands in its original position and it was also rightly confirmed by the first respondent on the appeal filed by the petitioners.

13. In view of the above, this Court finds no infirmity or illegality in the order passed by the second respondent in its Na.Ka.No.105/2015/C dated

24.10.2015 and confirmed by the first respondent in its proceedings Na.Ka.No. 28353/15/N4 dated 11.06.2018 and the writ petition is devoid of merits and is liable to be dismissed.

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14. Accordingly, these writ petitions stand dismissed. Consequently, connected Miscellaneous petitions are closed. No costs.

08.10.2025
(2/2)

Internet: Yes
Index : Yes
Neutral Citation: Yes
Speaking
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G.K.ILANTHIRAIYAN. J,

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To

1. The District Revenue Officer,
   Kancheepuram District.

2. The Revenue Divisional Officer,
   Maduranthagam, Kancheepuram District.

Pre-Delivery Order made in

W.P.Nos.21511, 22321, 22322 and 22323 of 2018

08.10.2025