



W.A.No.1360 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2025

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CORAM:

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE Mr. JUSTICE C.SARAVANAN

W.A.No.1360 of 2022
and
C.M.P.Nos.8695 & 8699 of 2022

N.K.Surana,
S/o.M.Hanumanmal Surana

...Appellant

Vs.

1. The Special Commissioner and
Commissioner of Land Administration,
Chepauk, Chennai - 600 005.
2. The Principal Secretary and
Commissioner for Survey & Settlement,
Survey House, Chepauk,
Chennai - 600 005.
3. The Settlement Officer,
Chepauk, Chennai - 600 005.
4. The Assistant Settlement Officer,
Chepauk, Chennai - 600 005.
5. The Tahsildar,
Sriperumpudur Taluk,
Kanchipuram District.

6. B.Jayaraman

...Respondents



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Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 23.09.2021 made in W.P.No.13674 of 2012.

For Appellant : Mr.R.Parthasarathy,
Senior counsel
for Mr.Rahul Balaji

For Respondents : Mr.D.Ravichander,
Special Govt. Pleader [R1 to
R5]
R6 - No appearance

JUDGMENT

(Delivered by S.M.SUBRAMANIAM, J.)

This intra-court appeal has been instituted challenging the writ order dated 23.09.2021 passed in W.P.No.13674 of 2012.

2. The writ petitioner is the appellant. The writ petition has been instituted challenging the show cause notice issued by the Principal Secretary and Commissioner for Land Administration dated 23.01.2012. Reading of the show cause notice reveals that the authorities found that the ryotwari patta granted in favour of the petitioner to the Government land extending 3.70 acres in Sriperumbudur, Kanchipuram District is illegal. Setting out the reasons for issuance of show cause notice, an



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opportunity has been afforded to the appellant to submit his explanations.

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3. The learned Senior counsel appearing on behalf of the appellant would mainly contend that the letter dated 30.04.2010 issued by the Principal Secretary and Commissioner of the Land Administration to the Principal Secretary and Commissioner of Survey and Settlement would indicate that the power has been delegated to 2nd respondent. Therefore, the notice issued by the first respondent is without jurisdiction. That apart, the impugned show cause notice has been issued by the first respondent despite the orders passed by the second respondent vide letter dated 30.04.2010 pursuant to the delegation made by R1 to R2. The R2 passed an order granting patta on 26.04.2011. Thus, the question of initiation of *suo motu* revision would not arise at all by the first respondent. That apart, the learned Senior counsel would rely on the Tamil Nadu Repealing (Third) Act, 2023 where clause 3 reads as under:

*"3. Notwithstanding the repeal of the enactments
under Section 2,
(a) any claim or proceeding pending before*



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any Assistant Settlement Officer, Settlement Officer or Director of Settlements under the Tamil Nadu Estates(Abolition and Conversion into Ryotwari)Act, 1948, the Tamil Nadu Estates (Supplementary) Act, 1956, the Tamil Nadu Lease-holds (Abolition and Conversion into Ryotwari) Act, 1963, The Tamil Nadu Inams (Supplementary) Act, 1963, the Tamil Nadu (Transferred Territory) Ryotwari Settlement Act, 1964, the Kanyakumari Sreepandaravaka Lands (Abolition and Conversion into Ryotwari)Act,1964, the Tamil Nadu (Transferred Territory) Thiruppuvaram Payment Abolition Act, 1964, the Tamil Nadu (Transferred Territory) Jenmikaram Payment Abolition Act, 1964, the Kanyakumari Sreepadam Lands(Abolition and conversion into Ryotwari)Act, 1972 or the Tamil Nadu Levy of Ryotwari Assessment on Free-hold Lands Act, 1972, as the case may be, shall stand transferred to the Commissioner of Land Administration, Chennai with effect on and from the date of commencement of this Act and be heard and disposed of, as if these Acts have not been repealed and the order passed by the Commissioner of Land Administration shall be final."

4. In the schedule serial No.6 covers the Tamil Nadu Estates (Abolition and Conversion into Ryotwari)Act, 1948, therefore, the show cause notice impugned does not survive.



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WEB COPY 5. The learned Government Pleader would oppose by stating that the issue relating to the power of delegation has been considered by this Court in paragraph 33 of the judgment in the case of *M/s.Mayajall Entertainment Pvt., Ltd., Vs. The Director of Land Survey and Settlement & Ors.* in W.P.No.34581 of 2022 dated 27.09.2023.

6. Beyond the grounds raised between the parties, the writ has been instituted challenging the show cause notice. The grounds raised in the writ proceedings are available to the appellant, and can be raised before the authority concerned, who issued the show cause notice.

7. In the present case, the subject land situated in Sriperumbudur, suburban to chennai city. The market value of the Government land in that localities are sky-rocketing. The Government lands are scarce in that locality on account of developmental activities in suburban areas to Chennai. The Government is in the process of resuming the lands, which have been illegally assigned or patta has been granted in violation of rules, eligibility etc., During the process, the authorities are initiating action for cancellation of patta or to consider the issues for the purpose



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of finding out the genuinity of patta, assignment etc.,

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8. Under these circumstances, interference by the Courts would hamper the endeavour of the authorities to cull out the truth behind the issuance of patta in respect of the valuable lands in suburban areas to Chennai city and other cities across the State of Tamil Nadu. The authorities must be allowed to adjudicate the issues on merits. Entertaining a writ petition at the stage of show cause notice would undoubtedly cause prejudice to the interest of the land administration. In the present case, the appellant has raised certain grounds including that the show cause notice impugned became lapsed. That being the factum, he is at liberty to raise all the grounds including the legal grounds before the authority concerned for effective adjudication of the issues.

9. The factual findings of the authorities alone would be of assistance to the High Court for the purpose of effective exercise of the power of judicial review under Article 226 of the Constitution of India. Contrarily, the dispute of this nature relating to lands need not be adjudicated by the Writ Courts. In the present case,, the writ Court has rightly formed an opinion that the petitioner may respond to the show



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cause notice, which in the opinion of this Court is in consonance with the established principles. Consequently, the writ appeal stands dismissed.

No costs.

(S.M.S., J.) (C.S.N., J.)
03.09.2025

Index: Yes

Neutral Citation: Yes/No

mp

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