In the High Court of Judicature at Madras

Dated : 11.3.2025

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.25296 of 2022

M/s.Eswaran & Sons Engineers
Ltd., rep.by its Director
Mr.Hari Eswaran ...Petitioner

Vs

1.The Government of Revenue &
Disaster Management
Department, Land Disposal
Wing, rep.by its Secretary,
Government of Tamil Nadu,
Revenue Department,
Fort St.George, Chennai-9.

2.The District Revenue Officer,
Master Plan Complex NH 205,
Chennai Tiruttani Highway,
Thiruvallur, Tamil Nadu.
602001.

3.The Tahsildar, Station Road,
Thirumalai Rajapuram,
Avadi-600071. ...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the respondents especially the records of the second respondent relating to the order dated 09.9.2021 vide Ref.No.20200/

2017/No-1, quash the same in respect of the lands comprised in survey Nos.293/1, 294/1 and 2 and 295/5 of Thirunindravur Village, earlier Sriperumbudur Taluk, presently Avadi Taluk, Thiruvallur District and direct the second respondent to reclassify the lands from anathinam to dry agricultural lands so as to enable the third respondent to include the above lands in patta No.289.

For Petitioner	:	Mr.V.Ramesh for Mr.T.Thiygarajan
For Respondents	:	Mr.M.R.Gokul Krishnan, AGP

ORDER

This writ petition has been filed challenging the proceedings of the second respondent dated 09.9.2021 and for a consequential direction to the second respondent to rectify the mistake that had crept in during the Updating Registry (UDR) scheme and to classify the properties in survey Nos.293/1, 294/1 and 2 and 295/5 of Thirunindravur Village, Avadi Taluk, Thiruvallur District as dry assessed agricultural lands in order to enable the third respondent to include the subject properties in patta No.289.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned Additional Government Pleader appearing

for the respondents.

3. The case of the petitioner is as follows :

(i) The first respondent, through G.O.Ms.No.820 dated 15.4.1968, allotted the subject properties measuring an extent of 6.94 acres on collection of the market value from one M/s.Hackbridge-Hewittic & Easun Limited (for short, the original allottee) subject to certain conditions prescribed in Form D under the Revenue Standing Orders (RSO) to establish and maintain a railway siding to carry on manufacturing goods. The original allottee was directed to pay a sum of Rs.80/- per cent, which being the value that was fixed for the subject properties. The original allottee applied for reduction of the land value and it was rejected by the first respondent. Thereafter, the original allottee paid the value of the land on 04.7.1974.

(ii) However, G.O.Ms.No.459 dated 27.2.1978 came to be issued by the first respondent by directing the original allottee to pay interest at the rate of 9% per annum from 1968 to 1974. After the interest amount was collected from the original allottee, the second respondent assigned the subject properties by issuing D-Form patta in favour of them in patta No.781 vide proceedings dated 11.9.1980 and the third respondent issued the D-Form patta on 02.12.1980.

(iii) The original allottee was using the entire 6.94 acres along with the other lands in different survey numbers for manufacturing activities. Hence, for all the lands put together, the patta was assigned in patta No.289 and issued by the third respondent.

(iv) Pursuant to a demerger that was ordered by the Company Court, the petitioner came into the scene and retained the subject lands. When the petitioner wanted their name to be incorporated in the revenue records and while verifying the revenue records, it came to light that the subject lands were classified as anaadheenam in the revenue records. This classification took place during the Updating Registry (UDR) Scheme.

(v) Later, the petitioner submitted an application dated 17.8.2017 on 06.9.2017 before the District Collector, Thiruvallur requesting for reclassification of the subject lands from anaadheenam to private lands. Based on that, the petitioner was called upon to attend an inquiry by the Revenue Divisional Officer, Tiruvallur and the petitioner submitted all the relevant documents. In the meantime, the Zonal Deputy Tahsildar, Poonamalee submitted a report on 27.5.1998 stating that the subject lands were registered as dry lands in patta No.781 and that they were erroneously reclassified as anaadheenam during the UDR scheme and hence, ordered to reclassify the subject lands as dry lands and include them in patta No.289.

(vi) Despite that, no action has been taken to make necessary changes in the relevant records. Hence, the petitioner was constrained to file W.P.No.9141 of 2021 before this Court seeking for appropriate directions. This Court disposed of the said writ petition on 01.7.2021 by directing the second respondent to pass appropriate orders based on the documents submitted by the petitioner and also based on the report of the of the Zonal Deputy Tahsildar, Poonamallee.

(vii) Even after the said order dated 01.7.2021 was passed by this Court, the second respondent did not act upon the same and hence, the petitioner initiated contempt proceedings. When the contempt proceedings were pending, the impugned proceedings dated 09.9.2021 came to be issued, in which, the second respondent had come to the conclusion that the petitioner has not submitted sufficient documents, that the reclassification could not be done by the second respondent, that it is a power available only to the Government, that the subject properties were anaadheenam lands and that therefore, there was no ground to reclassify the same as the agricultural lands and issue patta in favour of the petitioner. Hence, the petitioner has come forward with the present writ petition.

4. The second respondent filed a counter affidavit for himself and also on behalf of respondents 1 and 3 wherein he justified the impugned order passed by the second respondent. Ultimately, they

sought for dismissal of the writ petition.

5. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned order.

6. The subject properties were originally classified as manavari dry assessed waste. Hence, they became eligible for assignment under the relevant RSO. Accordingly, G.O.Ms.No.820 dated 15.4.1968 was issued. While assigning the subject properties, a direction was issued to the original allottee Limited to pay a sum of Rs.80/- per cent, which being the land value. Even though the original allottee sought for reduction of the amount fixed, their request was rejected. Hence, the amount was paid to the first respondent. However, it was found that there was a delay in the payment of the amount and hence, another Government Order in G.O.Ms.No.459 dated 27.2.1998 came to be issued directing the original allottee to pay interest at the rate of 9% per annum from 1968 to 1974. The interest demanded was also paid and it resulted in the assignment in favour of the original allottee by issuing D-Form patta in patta No.281.

7. The second respondent, while passing the impugned order dated 09.9.2021, rendered a finding as if the petitioner has not produced the relevant Government Order in G.O.Ms.No.820 dated 15.4.1968.

8. The said finding may not be right since the second respondent had taken note of a list of documents that were relied upon by the petitioner and one such document is G.O.Ms.No.820 dated 15.4.1968.

9. The next reason assigned by the second respondent in the impugned order is that there was no document to show that the petitioner had, in fact, paid the interest amount as was directed by the first respondent and that no receipt had been produced.

10. This finding rendered by the second respondent is also not sustainable since, only after receipt of the interest amount, G.O.Ms.No. 459 dated 27.2.1978 came to be issued and the D-Form patta was granted in favour of the original allottee in patta No.781.

11. The other reason that has been stated in the impugned order is that the subject lands were classified as anaadheenam lands during the UDR scheme and that the Zonal Deputy Tahsildar, Poonamallee did

not have any power or jurisdiction to recommend for the change of classification.

12. This finding rendered by the second respondent is again unsustainable since, as per G.O.Ms.No.921 dated 15.6.1991, the Annexure to it gives the duties and responsibilities of the Zonal Deputy Tahsildars. One such duty that has been assigned to the Zonal Deputy Tahsildars is the rectification of defects in the updating of registry cases. Based on the same, the Zonal Deputy Tahsildar, Poonamallee, vide proceedings dated 27.5.1998, had come to the conclusion that the subject lands were erroneously reclassified as anaadheenam lands and ordered for cancellation of the reclassification and directed to include the subject lands in the patta.

13. The power for rectification of the entries made in the UDR was specifically conferred on the District Revenue Officers vide G.O.Ms.No.385 dated 17.8.2004 and thereafter, it is only the District Revenue Officers, who can effect changes in the classification of the lands.

14. De hors the power available to the Zonal Deputy Tahsildars, the second respondent could have independently considered the claim

made by the petitioner based on the documents submitted. Had this been done, there is no need for the second respondent to even go into the power or jurisdiction available to the Zonal Deputy Tahsildars in this regard.

15. The second respondent also gave a reason that he did not have the power to reclassify anaadheenam lands into assessed dry waste.

16. The second respondent was not called upon to reclassify the subject lands. The second respondent was only called upon to correct the mistake that had crept in during the UDR scheme. If it was a mistake in classifying the subject lands as anaadheenam, such mistakes can certainly be corrected by the second respondent and it does not require the order passed by either the District Collector or the Commissioner of Land Administration.

17. In the light of the above discussions, this Court holds that the second respondent has not properly exercised his jurisdiction while passing the impugned order dated 09.9.2021. There were sufficient documents before her to establish the claim made by the petitioner. But, the second respondent has not properly considered the same.

18. For the foregoing reasons, the writ petition is allowed, the impugned proceedings of the second respondent dated 09.9.2021 is hereby quashed and there shall be a direction to the second respondent to issue fresh proceedings by correcting the entry made with respect to the subject properties situated at survey Nos.293/1, 294/1 and 2 and 295/5 of Thirunindravur Village, Avadi Taluk, Thiruvallur District and show them in the revenue records as dry assessed lands instead of anaadheenam. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. On issuance of such proceedings by the second respondent, the third respondent is directed to include the subject lands in patta No.289 forthwith. No costs.

11.3.2025

To
1.The Secretary to Government of
Tamil Nadu, Revenue & Disaster
Management Department,
Land Disposal Wing,
Revenue Department,
Fort St.George, Chennai-9.

2.The District Revenue Officer,
Master Plan Complex NH 205,
Chennai Tiruttani Highway,
Thiruvallur, Tamil Nadu.
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N.ANAND VENKATESH,J

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3.The Tahsildar, Station Road,
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