IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.A.No. 2412 of 2022
and
C.M.P.No.18610 of 2022

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

2.The Revenue Divisional Officer,
Saidapet Division,
No.147, Greams Road,
Chennai – 600 006.
Now at Tambaram, Chennai – 600 045.

3.The District Collector,
G.S.T. Road,
Chengalpattu – 603 001.
Chengalpattu District.

4.The Revenue Divisional Officer,
G.S.T.Road,
Tambaram, Chennai – 600 045.

5.The Tahsildar,

G.S.T. Road,
Tambaram, Chennai – 600 045. ...Appellants

Vs.

M.Mumoorthy (Deceased)

1.G.Bhuvaneswari

2.G.Gayathri Devi

3.G.Raj Thilak

4.G.Sivaraj

5.B.Santhanam, Ex-Serviceman,
Indian Army, 4/45A, MAV Mumoorthy Avenue,
2nd Main Road, Kaspapuram, Chenani – 600 126.

[R5 impleaded suo motu vide court order dated 19.11.2025]

...Respondents

PRAYER: The Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order dated 08.03.2022 made in W.P.No.26301 of 2009 and allow this Writ Appeal.

For Appellants : Mr.R.Ramanlaal, Addl. Advocate General,
Assisted by Mr.T.Arunkumar,
Addl. Govt. Pleader

For Respondents : Mr.D.Selvaraju
for Mr.P.Kannan Kumar for R1 to R4
Mr.M.Elumalai for R5

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J U D G M E N T

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

Under assail is the writ order dated 08.03.2022 made in W.P.No.26301 of 2009.

2. The Special Commissioner and Commissioner of Land Administration along with his subordinate Revenue Authorities have preferred this intra-Court appeal mainly on the ground that the writ order setting aside the proceedings of the Special Commissioner and Commissioner for Land Administration dated 26.04.2005 is contrary to law and facts.

3. The facts in nutshell would show that the Kasapuram Village, Tambaram Taluk, Kancheepuram District was an Inam Village and was taken over by the Government under Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963 (Tamil Nadu Act 26/63). During settlement, the lands in S.No.11/1 was treated as Government Dry Anadeenam by the Assistant Settlement Officer, Chengalpattu and this was not objected and remained unchanged until it was re-classified by the Revenue Divisional Officer, Saidapet subsequent to the application filed by the respondents in the year 1994. The application was filed on 28.07.1994 by the respondent Mr.M.Mumoorthy under G.O.Ms.No.1300, Revenue dated 30.04.1971. It is not in dispute that the patta has been sought for by the respondent outside the scope of the Abolition Act on the ground that the Government Order provides for submission of such application for grant of patta.

4. Based on the application, the Revenue Divisional Officer, Saidapet Division granted patta vide proceedings in D.Dis.373/93 dated 28.07.1994. The Revenue Divisional Officer made a finding that "*the land is originally classified as "Dry" and subsequently classified as "Anadeenam" and the land is under possession and enjoyment of the applicant's father and the applicant continuously even prior to settlement and after the settlement. In the light of G.O.Ms.No.1300 of Revenue dated 30.04.1971 ryotwari patta can be granted to the applicant. In the circumstances, patta is granted to Thiru.Mumoorthy, Kaspapuram for an extent of 1.21.5 hectare or 3.00 acres of land in S.No.11/1 of Kaspapuram Village, Saidapet Taluk changing the classification from "Anadeenam" to "Dry". The Tahsildar, Saidapet is requested to make necessary changes in the Village and Taluk accounts and issue patta to the applicant and report, compliance.*"

5. Mr.R.Ramanlaal, learned Additional Advocate General as well as Mr.D.Selvaraju, learned counsel assisted by Mr.P.Kannan Kumar, learned counsel appearing for the respondents 1 to 4 made a submission that patta has been granted outside the scope of Tamil Nadu Act, 26/1963 and based on the Government Order issued in G.O.Ms.No.1300, Revenue, dated 30.04.1971. Thus, patta is in consonance with the Government policy and the writ Court also considered the said factors and granted the relief by setting aside the order of Commissioner of Land Administration.

6. It is further contended on behalf of the respondents that the application was originally submitted by the father of the respondent late Manicka Devar dated 17.01.1974 and after his death a fresh application was submitted in the year 1994 by the respondents. Thus there is no infirmity as such and the order of the writ Court is to be confirmed.

7. The learned Additional Advocate General would oppose by stating that based on the fraudulent documents the respondents are claiming rights. The order granting patta was not issued by the Revenue Divisional Officer, Saidapet under Section 15 of the Act 26 of 1963, wherein, the appeal lies before the Tribunal.

8. In the present case, the order was passed based on the Government Order issued in G.O.Ms.No.1300, Revenue, dated 30.04.1971 and thus the order is passed under Section 11 of the Act. Once an order is passed under Section 11 of the Act, *suo motu* power conferred on the Commissioner of Land Administration is not barred. Thus, the Commissioner has rightly exercised his *suo motu* power and conducted enquiry by affording opportunity to all the parties. The finding of the Commissioner would show that the Government land is attempted to be taken away through fraudulent documents. The writ Court has not considered the fact that the respondents have not produced any evidence to establish their continuous possession before and after the Act. In the absence of any such evidence to establish continuous possession, application submitted under G.O.Ms.No.1300, Revenue, dated 30.04.1971 is not maintainable.

9. The learned Additional Advocate General would submit that in respect of the application allegedly submitted by Manicka Devar on 17.01.1974, no proof has been submitted nor deceased Manicka Devar pursued the application till his date of death. After a lapse of 20 years, a fresh application is filed by the respondents in the year 1994. Thus, the said application submitted on 17.01.1974 by the deceased father of the respondents is a creation to circumvent the limitation contemplated under the Government Order.

10. Mr.M.Elumalai, learned counsel appearing on behalf of the impleaded 5th respondent would submit that the respondents 1 to 4 have created bogus documents in order to grab the Government lands. They have created patta which is subsequently found to be bogus.Mr.Santhanam/5th respondent, a retired Indian Army Personnel filed a Public Interest Litigation and pursuant to the order of the First Bench of this Court further action are initiated to remove the encroachments and to resume the Government land for public usage. The land has been classified as “Anadeenam” and re-classification made based on bogus documents was considered by the First Division Bench of this Court in the Public Interest Litigation and thus the present Writ Appeal deserved to be considered.

11. This Court has considered the rival submissions made between the parties to the lis.

12. The issue to be considered is about grant of patta and its scope outside the scope of Abolition Act. The principle in general reads as follows:-

> ***3. Outside the scope of Abolition Acts.***
>
> *It is a general principle that after the completion of settlement in Villages, the Village accounts had been handed over to Revenue Department for maintenance, the Settlement Authorities cannot entertain applications for grant of patta under the provisions of the Abolition Acts, unless there is a*

specific provision to do so. To be fair to the bona fide claimants, who might have failed to apply for ryotwari patta in time before the appropriate Settlement Authority, Government passed orders to consider such claims, both from the ex-landholders and ex-ryots, outside the scope of the Abolition Acts, by the Revenue Divisional Officer or District Revenue Officer.

The first category relates to the estates taken over under the Tamil Nadu Estates (Abolition & Conversion into Ryotwari) Act XXVIof 1948. The second category relates to the inam villages taken over under the Act 26 of 1963 and Minor inam lands under the Act 30 of 1963.

Category – I

G.O.Ms.No.2502, Revenue Department, dated 8.7.1958

G.O.Ms.No.1312, Revenue Department, dated 26.7.1967

G.O.Ms.No.1300, Revenue Department, dated 30.4.1971

The Government have lastly issued G.O.Ms.No.1300, Revenue Department, dated 30.4.1971, that persons who were in continuous occupation enjoyment of the lands prior to and on from the notified date are entitled to assignment and Government after careful consideration have decided to grant *patta to such persons on the basis of continuous possession and enjoyment of land by Revenue Divisional Officers and District Revenue Officer/ Collector based on the total extent of land subject to the conditions stipulated in the said Government Order.*

Subsequently, Government in G.O.Ms.No.589, C.T.&R.E. Department, dated 14.5.1975 have fixed 30.6.1975 as last date to apply for patta under G.O.Ms.No.1300, Revenue Department, dated 30.4.1971.

Therefore, the Revenue authorities cannot entertain applications for grant of patta outside the scope of the Abolition Acts after the last date.

13. In the context of the Government Order, the first application allegedly submitted by the deceased father of the respondent in the year 1974 cannot be trusted upon, since the copy of the application has not been furnished either before the competent Authority or before this Court. That apart, the deceased father of the respondent has not initiated any action nor pursued the application allegedly submitted in the year 1974. He died in the year 1985. Further second application filed by the respondent in the year 1994 after a lapse of 20 years from the date of filing of first application in the year 1974 by the deceased father of the respondent. Thus, the genuineness of the first application of the year 1974 cannot be trusted upon, since it was not pursued either by the deceased father of the respondent or by his legal heirs after his death in the year 1985. First time fresh application was submitted in the year 1994, after a lapse of several years. Subsequent to G.O.Ms.No.1300, Revenue Department, dated 30.4.1971, the Government issued G.O.Ms.No.589, C.T.&R.E. Department, dated 14.5.1975 and fixed 30.06.1975 as last date to apply for patta under G.O.Ms.No.1300, Revenue Department, dated 30.4.1971.

14. To circumvent the said cut-off date the respondents would have allegedly stated about the application of the year 1974 submitted by the deceased father of the respondents. The respondents have not established the genuineness of any such application submitted in the year 1974. The last date for submission of application is 30.06.1975 and a fresh application was submitted in the year 1974. Thus the application *per se* is not entertainable, since the Government in unambiguous terms reiterated that the Revenue Authorities cannot entertain applications for grant of patta outside the scope of the Abolition Act after the last date.

15. Further the Special Commissioner and Commissioner of Land Administration, while adjudicating the issues made a finding that Kaspapuram Village was notified and taken on 15.04.1965 by the Government under the provisions of Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act 26/1963. Therefore, to get patta as per G.O.Ms.No.370, C.T.& R.E. dated 30.04.1971 the claimants should prove their continuous possession and enjoyment of lands prior to and on the notified date. However, the petitioner has claimed the land on the basis of single “B” memo penalty receipts dated 20.06.1984 for faslis 1389, 1390, 1391, 1392, 1393 and some ‘B’ memo penalty receipts for Fasli 1399, 1400 and 1401. These receipts were also not correlated with respective adangal and the copies were not filed in the Revenue Divisional Officer's file. Further the claimant has applied for patta on the basis of sale deed No.1992 dated 15.07.1967 by which Tr.R.Manicka Devar has purchased the lands. However, this document should not have been considered for the grant of patta as this is a post settlement record.

16. The Special Commissioner and Commissioner of Land Administration in para 5 of his order made a finding which reads as follows:-

> *5. In this case the village was taken over by the Government under the Act 26/63 and, the suit land registered as 'Anadheenam' during settlement (1968). The respondent has claimed the suit land only on the basis of 1967 registered document. To obtain patta Outside the Scope of Abolition Act, the claimant is required to prove his long possession and enjoyment of the land on and from the notified dated i.e.,1965. But, in this case, the respondent has not produced any valid documents to prove his possession and enjoyment. He has*

produced document of the year 1967 only which is clearly a post settlement record. Hence, there is no priam facie case to consider his claim Outside the Scope of Abolition Act. Further, it is verified from Revenue Divisional Officer's file, that patta was granted to the respondent under Outside Scope of Abolition Act as per the G.O.Ms.No.1300 Revenue dated 30.4.71. However, this G.O. applies only to the villages taken over by the Government under the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act (TN Act XXVI/48). In this case, the Kaspapuram village was taken over under the Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act 26/63. Therefore, G.O.Ms.No.370 C.T. & R.E. dated 3.10.1974, alone will apply to grant patta Outside the Scope of Abolition Act 26.63. This fact was not considered by the Revenue Divisional Officer. Further, the time limit fixed for granting patta O.S.A. Act 26/63 was already over on 31.3.77 as per the G.O.Ms.No.1889, C.T.& R.E. 1994, and the Revenue Divisional Officer has granted patta mentioning a wrong G.O on a time-barred application. Even going into the merits of the case, the petitioner has not produced any documentary evidences to *prove his possession and enjoyment of the suit land on and prior to notified date, the main criterion to grant of patta under O.S.A. Act. Hence, the respondent is not eligible to get patta OSA Act. Therefore, the orders of the Revenue Divisional Officer, Saidapet are liable to set aside.*

17. The Commissioner of Land Administration emphatically held that the claimants have not produced any evidence to show their continuous possession prior to and after the Act. Since continuous possession has not been established nor the application seeking patta was submitted within the time limit prescribed by the Government in G.O.Ms.No.589, C.T.&R.E. Department, dated 14.5.1975 they are not entitled for patta.

18. That apart, there are serious allegations of creation of fraudulent documents, which has been raised by the impleaded respondent, who has filed several other Public Interest Litigations raising allegations about creation of false documents, in order to squat upon the Government land. As far as those allegations are concerned, this Court is not inclined to go into. It is for the impleaded respondent to take appropriate action.

19. The learned counsel for the impleaded respondent brought to the notice of this court that the Commissioner of Land Administration, Chepuak, Chennai vide his proceedings dated 20.11.2025 issued a letter to the District Collector, Chengalpattu to initiate appropriate actions.

20. The learned Additional Advocate General made a submission that all appropriate actions are already been initiated at the end of the Government and the Principal Secretary to the Government will look after the issues and take action without causing any loss of time.

21. In view of the above facts and legal position, this Court is not inclined to sustain the writ order impugned. Consequently, the Writ order dated 08.03.2022 made in W.P.No.26301 of 2009 is set aside and the Writ

Appeal stands **allowed**. No costs. Consequently, connected miscellaneous petition stands closed.

(S.M.S., J.) **(M.S.Q., J.)**
25.11.2025

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

To

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

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W.A.No. 2412 of 2022

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