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W.A.No.2533 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 30.10.2025

PRONOUNCED ON : 19.11.2025

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.A.No.2533 of 2025

and

C.M.P.No.20121 of 2025

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

2.The District Collector,
Tiruvallur District,
Tiruvallur.

3.The District Revenue Officer,
Tiruvallur District,
Tiruvallur.

4.The Tahsildar,
Ponneri Taluk,
Ponneri,
Tiruvallur District.

5.The Assistant Settlement Officer (North),
Survey House,
Chepauk, Chennai 600 005.

... Appellants

Vs.



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R.Muniyandi @ Chandran

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 20.03.2025 passed in W.P.no.26376 of 2021 and allow the writ appeal.

For Appellants : Mr.R.Ramanlaal
Additional Advocate General
Assisted by Mr.D.Ravichander
Special Government Pleader &
Mr.Arun Kumar
Additional Government Pleader

For R1 : Me.A.K.Sri Ram
Senior Counsel
For Mr.S.P.Sudalaiyandi

J U D G M E N T

S.M.SUBRAMANIAM, J.

Brief Facts:

The Padiyanallur ex-zamin Village in Ponneri Taluk, Tiruvallur District, was notified for takeover on 03.01.1951 by the Government under Section 1(4) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act,



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1948 (T.N. Act XXVI of 1948) [hereinafter referred to as 'the Act'] vide G.O.Ms.No.3157, Revenue Department, dated 09.12.1950 and the ryotwari settlement was introduced in the year 1962.

2. During the introduction of ryotwari settlement, the subject land in S.F.No.33/4, for an extent of 18.10 acres had been classified as “Sarkar Wet-Anadheenam” by the Assistant Settlement Officer and published in the A-Register. As there was no appeal against the above classification or the non-grant of patta within the appeal time that ended on 20.08.1987 with respect to the claims under Section 11(a) of the Act, (vide the rule-amendment notification published in G.O.Ms.No.714, Commercial Taxes and Registration Department dated 29.06.1987), the classification as “Government-Wet-Anadheenam” attained its finality as per Section 64(C)(1) of the Act. Thereafter, no challenge can be made before any Court as per Section 64(C)(2) of the Act. In the Updating Registry scheme conducted after 1984, the said land had been retained in the same classification.

3. One Mr.G.Mohan Lal and two others made a representation on 20.05.2011, after completion of about 49 years, since the introduction of ryotwari settlement in the Village, before the Assistant Settlement Officer (North) contending that the land comprised in S.F.No.33/4 for an extent of



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18.10 acres was ancestral property of one Mrs.Sundarammal, that these lands were purchased by Radha Naicker and two others in 1955, that the claimants therein purchased the portion of lands measuring an extent of 8.72 acres from the legal heirs of the above mentioned vendors, that these lands were classified as “Anadheenam” in the Revenue Records, and thereby requested to issue ryotwari patta by altering the classification from Anadheenam to ryoti for an extent of 8.72 acres, out of 18.10 acres in S.F.No. 33/4 of the Village.

4. The Assistant Settlement Officer (North), in the Endorsement Letter No.E1/6663/2011 dated 12.06.2011, informed the above mentioned applicant that no action can be taken to alter the registries made during the operation of settlement, as the Settlement Authorities do not have powers to condone the delay in entertaining the belated petitions submitted after 20.08.1987, as per the rule amendment published in G.O.Ms.No.714, dated 29.06.1987.

5. Aggrieved against the said decision of the Assistant Settlement Officer, a Writ Petition in W.P.No.15175 of 2011 was filed and the said writ petition was allowed on 30.06.2011, directing the Assistant Settlement Officer (North), to pass appropriate orders after providing opportunity to the



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applicants. Pursuant to the said directions, the Assistant Settlement Officer (North), in his proceedings dated 19.09.2011 granted ryotwari patta under Section 11(a) of the said Act for:

(a) an extent of 1.73.5 hectare (4.29 acres) in favour of Mr.G.Mohan Lal S/o. Mr.Ganeshram Chowdary;

(b) an extent of 0.93.5 hectare (2:31 acres) in favour of Mr.G.Dharmaveer S/o. Ganeshram Chowdary and:

(c) an extent of 0.68.5 hectare (1.69 acres) in favour of Mr.H.Jegaram.

6. After several transactions/alienations, subject land was purchased by one Mr.Muniyandi @ Chandran vide Document No.6030 of 2014 dated 12.06.2014. Mr.K.Natarajan made a complaint on 18.08.2018 to the District Revenue Officer, Tiruvallur and consequently, documents were scrutinized by the Revenue Authorities. It was found that no error had occurred during the UDR Scheme and that the subsequent alienations were null and void and all patta entries were cancelled vide proceedings dated 18.02.2019 issued by the District Revenue Officer, Tiruvallur.

7. Respondent herein filed a writ petition in W.P.No.5648 of 2019. By order dated 16.09.2019, the learned Single Judge set aside the order of the



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District Revenue Officer, Tiruvallur and directed the Commissioner of Land Administration to review the order dated 19.09.2011 by exercising his suo-motu powers under Section 7 of the Act and pass orders after affording an opportunity to the parties.

8. In pursuance to the order of Writ Court, Commissioner of Land Administration conducted an inquiry by affording an opportunity to the parties and cancelled the order of the Assistant Settlement Officer (North), dated 19.09.2011, wherein he had granted patta, vide his proceedings 27.11.2021 and directed to restore the subject land as “Government Nanjai Anadheenam”.

9. Challenging the said order, W.P.No.26376 of 2021 has been filed. The order of the Commissioner of Land Administration dated 27.11.2021 came to be set aside and thus, the State preferred the present Intra-Court Appeal.

Contentions Raised on Behalf of the Appellants/State:

10. Appellants would mainly contend that the order of the Government notifying the classification of subject land as “Government Wet-Anadheenam” under Section 15 of the Act was not cancelled by any



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Appellate/Revision Authority. If at all, the said appeal ought to have been entertained by the Estate Abolition Tribunal within a period of two months. Thus, the original classification attained finality.

11. The claims are to be entertained only when the land has been an Estate. During the inquiry before the Assistant Settlement Officer (North), no records were produced by the respondent or their predecessors to prove title or entitlement under Section 11 of the Act. Thus, there is no merit in granting patta under Section 11 of the Act.

12. Pertinently, Zamin Estate was notified for takeover on 03.01.1951. All the lands vested with Government as per Section 3(b) of the Act, subject lands had been classified as “Government Wet-Anadheenam” in 1957 itself. Thus, the registered sale deeds of Government lands subsequently registered between two private properties are unlawful and void.

13. Considering these grounds, the Commissioner of Land Administration passed orders on 27.11.2021 and cancelled the order of the Assistant Settlement Officer (North) dated 19.09.2011 and directed the District Revenue Officer to restore the subject land as “Government Nanjai-Anadheenam” as classified earlier.



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14. Writ Court has not considered these aspects. Writ Court formed an opinion that the Commissioner of Land Administration had no powers to entertain suo-motu review under the provisions of the Act. But the legal position is otherwise. The Commissioner of Land Administration is vested with the suo-motu power to review the order of the Assistant Settlement Officer.

15. Since the order passed by the Assistant Settlement Officer dated 19.09.2011 existed and was not cancelled by the Appellate/Revision Authority under Section 11(a) of the Act, an appeal lies before the Settlement Officer as per rules framed under Section 11 of the Act. Thus, suo-motu powers of the Commissioner of Land Administration under Section 7(1) of the Act are not barred.

Contentions Raised on Behalf of the Respondent:

16. Learned Senior Counsel appearing on behalf of the respondent would oppose by stating that the respondent had produced the documents to establish that he is the lawful owner of the subject property. Writ Court allowed the writ petition by considering the fact that the first round of litigation challenging the order dated 12.06.2011, which rejected the claim of



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the respondent for grant of patta on the grounds of delay, was set aside and a direction was issued to pass appropriate orders on merits. Court also made a finding that there is no prohibition to condone the delay.

17. Since the said order became final, the Commissioner of Land Administration ought not to have set aside the subsequent order passed by the District Revenue Officer.

18. The second reason given by the Writ Court is that Commissioner of Land Administration has no power to invoke the suo-motu revisional power provided under Section 7(c) of the Act. When the respondent validly purchased the subject property from his vendors and produced the documents, patta granted by the Additional Settlement Officer was rightly restored by the Writ Court.

19. Writ Court further formed an opinion that Clause (c) of Section 7 of the Act, coupled with Section 15 of the Act, makes it amply clear that suo-motu revision could be entertained by Commissioner of Land Administration, only if no appeal remedy is available to challenge the order of the Assistant Settlement Officer. Since an appeal remedy is available as provided under Section 15 of the Act in the present case, suo-motu revision



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would not lie before the Commissioner of Land Administration.

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20. Since the Writ Court considered twin grounds firstly, suo-motu powers of the Commissioner of Land Administration and secondly, merits involved in the present case, the writ appeal deserves to be rejected.

Discussions:

21. The issues to be considered in the present Intra-Court Appeal are:

- (a) Whether the Commissioner of Land Administration is empowered to exercise suo-motu revision power under Section 7(c) of the Act.
- (b) Whether the case of the respondent for grant of ryotwari patta can be considered on merits.

22. In the context of the facts, the Commissioner of Land Administration held that the order granting ryotwari patta passed by Assistant Settlement Officer is unlawful for the following reasons:

- (1) Original order of the Government classifying the subject land as “Government Wet-Anadheenam” under Section 15 of the Act was not cancelled by any Appellate/Revision Authority. The Assistant Settlement Officer, being the original authority who determined the classification as Government Wet Anadeenam,



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is not empowered to entertain an appeal against his own order classifying the subject land as Government Wet Anadeenam. Only the appellate authority i.e., Estate Abolition Tribunal, could have entertained the appeal within period of two months as contemplated under the Act. No appeal had been filed within the period of limitation. Therefore, the classification of the subject land as “Government Wet Anadeenam” attained finality.

(2) For entertaining claim under the provisions of the Act, Estate should have been included in his/her holdings when the lands was an Estate. But during the course of inquiry before the Assistant Settlement Officer, the claimants did not produce any such record and the Assistant Settlement Officer, in his order, did not mention any documents or evidence regarding claimants' entitlement under Section 11 of the Act. Thus, there is no merits to grant patta to the claimants under Section 11 of the Act.

(3) Importantly, registered documents produced by the respondent were made in 1963. Padiyanallur ex-zamin, Ponneri Taluk, Tiruvallur District was notified for takeover on 03.01.1951 by the Government under Section 1(4) of the Act. Thus, notified lands absolutely vested with the Government under Section 3(b) of the Act. Lands were subsequently classified as Government Wet Anadheenam in the year 1957. Hence, all subsequent registered sale deeds concerning Government lands registered between private parties are unlawful and void ab initio.



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23. Writ Court, while setting aside the order of the Commissioner of Land Administration considered that the Commissioner of Land Administration is not empowered to exercise suo-motu revision power under Section 7(c) of the Act. In this context, it is necessary to examine scope of suo-motu revision power conferred on the Commissioner of Land Administration under Section 7(c) of the Act.

24. Section 7 of the Act reads as under:

“7. Powers of Control of the Board of Revenue: The Board of Revenue shall have power –

(a) to give effect to the provisions of this Act Revenue. and in particular to superintend tht; taking over of estatesand to make due arrangements for the interim administration thereof;

(b) to issue instruction for the guidance of the Director, District Collectors, Settlement Officers and managers of estates;

(c) to cancel or revise any of the orders, acts or proceedings of any Settlement Officer other than those in respect of which an appeal lies to the Triburlal or of any manager; and



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(d) to cancel or revise any of the orders, acts or proceedings of the Director. or of ally District Collector, including those passed, done or taken in the exercise of revisional powers.”

25. While abolishing the Board of Revenue, the powers of the Board of Revenue under the Act had been transferred to the Commissioner of Land Administration. Thus, Section 7(c) of the Act, confers power on the Commissioner of Land Administration to cancel or revise the orders of the Settlement Officers, including Assistant Settlement Officers, where the appeal against such orders does not lie before the Tribunal.

26. In the case of ***Thiru.N. Veerasamy Vs. Special Commissioner and Commissioner of Land Administration and Others***¹, it had been held that Sections 7(c) and (d) confer power on the Board to cancel or set aside any orders passed by the lower authority and the Board can exercise the power suo-motu, without application, for revising the order of the lower authority.

27. Though Writ Court considered the above judgment, no findings are made. However, learned Single Judge stated that when an appeal under

¹ 1996 W.L.R.554



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Section 15(2) of the Act lies before the Tribunal, suo-motu power of the Commissioner of Land Administration does not exist.

28. But in the present case, Assistant Settlement Officer passed an order under Section 11 of the Act, and not under Section 15(1) of the Act. The appeal against the orders passed under Section 15(1) alone would lie before the Tribunal, but not the orders passed under Section 11 of the Act. However, an appeal against the orders passed under Section 11 lies before the Settlement Officer as per the Rules framed under this Act, but not before the Tribunal. Therefore, the Commissioner of Land Administration is empowered to exercise suo-motu revision power under Section 7(c) of the Act in respect of the orders passed under Section 11 of the Act.

29. In the impugned order dated 20.03.2025, rule amendment stated in G.O.Ms.No.714, Commercial Taxes and Religious Endowment Department dated 29.06.1987, cannot be invoked in the present issue in view of the orders passed in W.P.No.15175 of 2011 dated 30.06.2011, wherein Court granted permission for re-adjudication.

30. Pertinently, the first application itself had been filed seeking ryotwari patta after a lapse of 49 years from the date of notification issued



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by the Government on 03.01.1951. Regarding the Rule amendment published in G.O.Ms.No.714 dated 29.06.1987, the Division Bench of this Court in W.A.No.96 of 2015 dated 09.02.2016, as reiterated by the Hon'ble Supreme Court of India in S.L.P.(C).No.134554 of 2016 dated 13.05.2016, no application is entertainable beyond the period of limitation as contemplated in the amended Rule published in G.O.Ms.No.714 dated 29.06.1987.

31. Amended Rule had been published in the year 1987. Applying the amended rule, Assistant Settlement Officer informed the claimants before him, vide his letter dated 12.06.2011 that petition seeking Ryotwari Patta is not maintainable. However, the learned Single Judge of this Court quashed the letter of the Assistant Settlement Officer and directed him to pass orders by affording opportunity of hearing to the claimants. However, the Assistant Settlement Officer, being the Original Authority who classified the subject lands as Government Wet Anadheenam in the year 1967, has no jurisdiction to entertain a petition since he is not an Appellate Authority. The Division Bench of this Court in W.A.No.96 of 2015 dated 09.02.2016 affirmed the amended rule notified in G.O.Ms.No.714 dated 29.06.1997. Therefore, the findings of the Writ Court in this regard appear to be incorrect.



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32. Writ Court formed an opinion that the Commissioner of Land Administration cannot invoke the suo-motu revision power under Section 7(c) of the Act by referring two judgments i.e., W.P.No.1464 of 2013 dated 22.02.2013 and W.P.No.3267 of 2023 and 35303 of 2007 dated 05.07.2022.

33. Regarding the case of ***Rajathi vs. Commissioner of Land Administration***², the said case related to orders passed under Sections 11 and 12 invoking powers under Section 15 (1) of the Act, where the appeal lies before the Tribunal, as per Section 15(2) of the Act. The concerned officer had invoked Sections 11 and 12 together, which was found to be wrong. But, Section 12 had been invoked, in view of the powers conferred under Section 15(1) of the Act. Therefore, the orders passed under Section 12 read with Section 15(1) shall be appealed before the Estate Abolition Tribunal as per Section 15(2) of the Act.

34. But, in the present case, Assistant Settlement Officer (North) had passed his second order on 19.09.2011, (while his first order was in existence and not cancelled by the Appellate/Revision Authority) under

² WP.No.1464/2013 dated 22.02.2013



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Section 11(a) of the Act, wherein an appeal lies before the Settlement Officer as per the rules framed under Section 11 of the Act. Thus, the suo-motu revision powers of the Commissioner of Land Administration under Section 7(c) of the Act is not barred in respect of the present case on hand. Thus, the finding of the Writ Court that the Commissioner of Land Administration is not empowered to exercise his suo-motu revision power in the present case appears to be erroneous.

Conclusion:

35. In view of the discussions and the reasons stated in the aforementioned paragraphs, the impugned writ order dated 20.03.2025 passed in W.P.No.26376 of 2021 is set aside and the Writ Appeal stands allowed. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

[S.M.S., J.] [M.S.Q., J.]
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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No

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