



WEB COPY

WA NO. 204 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2025

CORAM

THE HONOURABLE MR JUSTICE S. S. SUNDAR
AND
THE HONOURABLE MR.JUSTICE P. DHANABAL

WA NO. 204 of 2025

1. N.Ramesh
2.N.Vetrichelvan

Appellant(s)

Vs

1. A. Krishnan

2. The Secretary to the Department of Revenue
Secretariat, Chennai- 600009.

3. The District Collector
Dharmapuri District.

4. The Dist.Revenue Officer(DRO)
Dharmapuri District.

5. The Tahsildar
Palacode Taluk., Dharmapuri Dist.

6. Nadesa Udayar
7. Jagadeesa Udaiyar
8. Vetrivel
9. Balamurugan
10. Pandiyan @ Munniya Udaiyar
11. Kumaravel Udaiyar
12. Parasakthi



13. Valli
14. Dharumabun
15. Perumal
16. Radha
17. Manikandan
18. Murugesan
19. Shivalingam
20. Marimuthu
21. Karthik
22. Kumar
23. Chinnapaiyan
24. Senthilkumar
25. Vijayakumar
26. Shanmugaraja
27. Vedi Gounder Respondents

Prayer : Writ Appeal is filed under Clause 15 of the Letters Patent to set aside the order dated 26.09.2023 passed in W.P.No. 10604 of 2023.

For Appellants : Mr. R. Bharath Kumar

For Respondents: Mr.T.Chezhiyan, AGP – R2 to 5

JUDGMENT

(Order of the Court was made by the Hon'ble S.S.Sundar J.)

This writ appeal is directed against the order of the learned Single Judge made in W.P.No. 10607 of 2023, dated 26.09.2023. The appellants are respondents 10 to 14 in the said writ petition. The writ petition was filed by the first respondent



challenging the order passed by the District Revenue Officer dated 16.11.2022

WEB ~~CONF~~ insofar as the petitioner's property is concerned.

Brief facts that are necessary to dispose of the appeal are as follows;

2. Writ petitioner claimed that he is the owner of an extent of 22 cents in survey no. 312/2 and an extent 4.90 acres in survey No. 24, Marandahalli Village, Palacode Taluk, Dharmapuri District based on a registered Will dated 30.03.2011 executed by his employer. The present appeal is in respect of land in survey no. 24. The only contention raised by the learned counsel for the writ petitioner before the learned Single Judge is that the 3rd respondent conducted enquiry without affording any opportunity to the writ petitioner and that the impugned order was passed cancelling patta granted infavour of the writ petitioner. Further it is stated that a civil suit in O.S.No. 159 of 2021 has been instituted on the file of Principal District Court, Dharmapuri, impleading all the revenue officials as parties.

3. The appellants also claim title to a larger extent of property in survey no. 24. It is the appellants' case that during UDR patta was wrongly issued in favour of some third parties. It is now contended by the appellants that for more than 90



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years their ancestors had been in possession and enjoyment and that the fourth respondent, by the order impugned in the writ petition has cancelled the patta stands in the name of his ancestors and private parties and directed to issue patta in the name of Commissioner Panchayat Union, since the lands were classified as Kuttai.

4. Learned Single Judge after going through the revenue records, found that the subject lands have been classified as 'Kuttai'. Since no patta can be granted in respect of water body, the learned Single Judge dismissed the writ petition confirming the findings of the 3rd respondent. The order passed by the 3rd respondent refers to the proceedings dated 16.10.1975 of the settlement officer, who cancelled the patta originally granted to the ancestors of appellants on the ground that after introducing Section 14 (A) of the Act, no ryatwari patta can be granted in respect of private tank or Oorani.

5. It is not in dispute that the appellants' land which is subject matter of this proceedings comes within the area of 13.66 Acres, which is classified as 'Kuttai'. It is the contention of the appellant in the grounds that their predecessor in interest had formed the tank and therefore it is their private property. It is to be noted that



as per the amended Section 14 A of the Inam Abolition Act, ryotwari patta granted

for water bodies before the amendment act was come into force shall be cancelled.

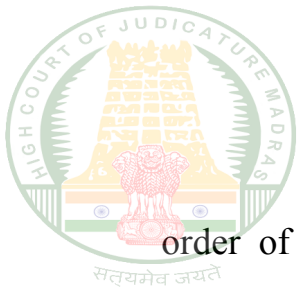
Section 14 (A) of the Act is extracted below;

Section 14 (A) of Tamil Nadu Inam Abolition Act 1974

i. Notwithstanding anything contained in this Act, No ryotwari patta shall be granted in respect of any private tank or Oorani.

ii. Any ryotwari patta granted in respect of any private tank or Oorani under this Act before the date of the publication of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act 1974 in the Tamil Nadu Government Gazette shall stand cancelled.

6. In view of the above amendment of the Act, even if the patta granted in respect of private land, the same has to be set aside by virtue of amendment and in this case, that has been done by the settlement officer in the year 1975. Supressing the cancellation of patta even by proceedings on the basis of amendment, the appellants claimed title to the property. The appellants have admitted the fact that a civil suit is also pending, therefore this Court, having regard to the admitted facts, is unable to find any merits in the writ appeal. The



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order of the learned Single Judge is perfectly valid and does not require any interference by this Court. It is stated that the appellants filed an independent writ petitions and the same was dismissed as withdrawn with liberty to pursue the writ appeal. That does not carry any weight on the merits.

7. Accordingly, the writ appeal is dismissed. No costs. However, it is open to the appellant to prosecute the civil suit to its logical end and establish the character of the land if it otherwise than a private tank or Oorani. The respondents are also at liberty to contest the suit by raising all their objections on the basis of existence of water body and the order of settlement authorities cancelling patta in 1975, which was never challenged.

(S.S.SUNDAR J.) (P.DHANABAL J.)
29-01-2025

Index : Yes

Internet : Yes/No

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**S.S.SUNDAR , J.
and
P.DHANABAL ,J.**

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