



WP.No.26376 of 2021

In the High Court of Judicature at Madras

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Reserved on 17.3.2025	Delivered on : 20.3.2025
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Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.26376 of 2021
& WMP.No.27845 of 2021

R.Muniyandi (a) Chandran

...Petitioner

Vs

1.The Commissioner of Land
Administration, Ezhilagam,
Chepauk, Chennai-5.

2.The District Collector,
Tiruvallur District, Tiruvalur.

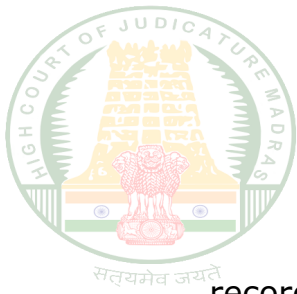
3.The District Revenue Officer,
Tiruvallur District, Tiruvallur.

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

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

...Respondents

PETITION under Article 226 of The Constitution of India praying
for the issuance of a Writ of Certiorarified Mandamus to call for the



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records of the first respondent in his proceeding No.K1/29629/2019 dated 27.11.2021, quash the same and consequently direct the respondents to maintain the revenue record as patta land as per the proceedings of the 5th respondent in S.R.No.4/2011 (E1)/6663/2011) Act XXVI/1948 dated 19.9.2011 in respect of property in Survey No. 33/4B measuring with an extent of 8 acres and 28 cents situated at Padiyanallur Village, Ponneri Taluk, Tiruvallur District.

For Petitioner : Mr.A.K.Sriram, SC for
Mr.R.Bharanidharan

For Respondents : Mr.P.Kumaresan, AAG
assisted by
Mr.A.Selvendran, SGP

ORDER

This writ petition has been filed challenging the proceedings of the first respondent dated 27.11.2021 and for a consequential direction to the respondents to restore the patta in respect of the property in Survey No.33/4B measuring acres 8.28 cents situated at Padiyanallur Village, Ponneri Taluk, Tiruvallur District to its original position as per the proceedings of the fifth respondent dated 19.9.2021.



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2. Heard the learned Senior Counsel appearing on behalf of the petitioner and the learned Additional Advocate General assisted by the learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is as follows :

(i) The properties in S.No.33 measuring an extent of acres 34.54 cents, Padiyanallur Village, Ponneri Taluk, Tiruvallur District were originally owned by one Mr.Venkatagopal Rao. He died in 1943 leaving behind him his wife and two sons as surviving legal heirs. Thereafter, the said properties were subdivided into S.Nos.33/3 and 33/4 measuring acres 16.44 cents and acres 18.10 cents respectively. Patta was also issued in favour of the wife of the said Mr.Venkatagopal Rao.

(ii) Later, the said properties were sold by the owners through various sale deeds executed from the years 1955 to 2001. The last three purchasers namely one Mr.Jagaram, one Mr.Mohanlal and one Mr.Dharamveer took steps to develop the properties purchased by them measuring acres 8.28 cents. Hence, their power agents approached the fourth respondent for the issuance of patta based on the sale deeds. But, they were informed that the subject properties namely acres 8.28 cents have been classified as Government Wet



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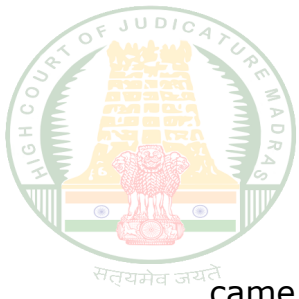
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Anaadheenam in the A register as early as 1962.

(iii) In view of the same, on 20.5.2011, the three owners of the subject properties applied for ryotwari patta before the fifth respondent under the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 (for short, the Act). However, vide proceedings dated 12.6.2011, the fifth respondent rejected the claim made by the last purchasers of the subject properties on the ground that such a claim was made after a long lapse of time.

(iv) As a consequence, the proceedings of the fifth respondent dated 12.6.2011 was put to challenge before this Court by filing W.P. No.15175 of 2011 and it was allowed by order dated 30.6.2011 by holding that there was no limitation for the fifth respondent for granting patta under Section 11 of the Act, the order dated 12.6.2011 was set aside and the matter was remitted back to the fifth respondent to take a decision on merits.

(v) Pursuant to the said direction of this Court, an inquiry was conducted by the revenue officials, an inspection was also conducted and a report was also submitted. As a follow up, the fifth respondent, vide proceedings dated 19.9.2011, directed the issuance of patta to the last purchasers under the Act. Subsequently, patta No.3688 also



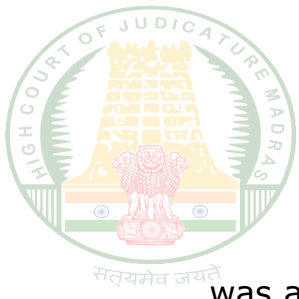
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came to be issued. Thereafter, the last three purchasers sold the entire extent of acres 8.28 cents in favour of one M/s.Vidushi Wires Private Limited vide sale deed dated 30.11.2011 registered as doc.No.13875 of 2011 on the file of the Sub-Registrar, Red Hills and patta was transferred in its name vide patta No.3805 dated 11.1.2012.

(vi) Later, the said M/s.Vidushi Wires Private Limited sold the subject properties to the petitioner vide sale deed dated 12.6.2014 registered as doc.No.6030 of 2014 for a valid sale consideration. Subsequent to the purchase, patta was also issued in the name of the petitioner in patta No.5902 on 25.11.2014 by the fourth respondent. Thereafter, the chitta and adangal were also issued in the name of the petitioner, who was in possession and enjoyment of the subject properties.

(vii) A complaint dated 18.8.2018 came to be filed by one Mr.K. Natarajan before the third respondent. Pursuant to the said complaint, the third respondent, vide proceedings dated 18.2.2019, cancelled the patta, which was already issued to the petitioner. Aggrieved by that, the petitioner filed W.P.No.5648 of 2019. When the said writ petition was entertained, an interim order was passed directing the revenue authorities to maintain status quo. Ultimately, the said writ petition



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was allowed by order dated 16.9.2019 directing the first respondent to exercise his revisional powers under Section 7 of the Act and to pass appropriate orders within a time frame.

(viii) Pursuant to the said order dated 16.9.2019, the first respondent conducted an inquiry and issued the impugned proceedings dated 27.11.2021 whereby the order passed by the fifth respondent dated 19.9.2011 was set aside, the patta granted in favour of the petitioner was cancelled and a further direction was given to restore the subject properties as Government Nanjai Anaadheenam in the revenue records. Hence, the petitioner was constrained to file this writ petition.

4. The first respondent filed a counter affidavit for himself and on behalf of the other respondents wherein they took the following stand:

The subject properties were recorded as Government Wet Anaadheenam before and after the UDR scheme. The order dated 19.9.2011 was passed by the fifth respondent without any power or jurisdiction. As per G.O.Ms.No.714 Commercial Taxes & Religious Endowments Department dated 29.6.1987, the claim was barred and the fifth respondent did not have power or jurisdiction to condone the



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delay in such a time barred application. The first respondent exercised his powers under Section 7(c) of the Act and found that the order dated 19.9.2011 passed by the fifth respondent was irregular and accordingly, it was set aside. Ultimately, the respondents sought for dismissal of this writ petition.

5. When the matter came up for hearing on 19.2.2025, this Court, after hearing the learned Senior Counsel appearing on behalf of the petitioner, passed the following order :

"This writ petition has been filed challenging the impugned proceedings of the 1st respondent dated 27.11.2021 and for a consequential direction to the respondents to restore the subject property as a Ryotwari patta land.

2. The learned Senior Counsel appearing on behalf of the petitioner submitted that initially, the property was owned by one Mohanlal and two others and they had sought for issuance of Ryotwari patta under the Tamil Nadu Estate (Abolition and Conversion into Ryotwari) Act 26 of 1948. The same came to be rejected by the Assistant Settlement Officer [North] through proceedings dated 12.06.2011 on the ground that such application is time barred under G.O.Ms.No.



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714 dated 29.06.1987. This proceedings of the Assistant Settlement Officer was put to challenge in WP.No.15175 of 2011 and this Court by an order dated 03.06.2011 allowed the writ petition and remitted the matter back to the file of the Assistant Settlement Officer for passing appropriate orders. Pursuant to the said order, the Assistant Settlement Officer through proceedings dated 19.09.2011 issued Ryotwari patta in favour of G.Mohanlal and two others. It was submitted that this order passed in the writ petition has become final inter partes and it was also complied with by passing appropriate orders.

3. The learned Senior Counsel further submitted that the original owners thereafter dealt with the property and the subsequent purchaser also obtained Ryotwari patta and necessary mutation was made in the revenue records. Ultimately, the petitioner purchased the property through a registered sale deed dated 12.06.2014. After the purchase of the property, the revenue records were mutated in the name of the petitioner and Ryotwari patta was issued in Ryotwari patta No.5902.

4. The DRO, Tiruvallur passed an order dated 18.02.2019, cancelling the Ryotwari patta issued in favour of the petitioner. The same was put to challenge before this Court in WP.No.5648



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of 2019. This writ petition was disposed of by an order dated 16.09.2019 and the relevant portions relied upon by the learned Senior Counsel are extracted hereunder:

'7. This Court, considering the fact holds that the petitioner ought to have been given an opportunity before cancelling the patta. He was not given opportunity before cancellation of patta though the manner in which patta issued in his name may be under cloud. Hence, without advertng to the other merits of the case, the order passed by the District Revenue Officer, on 18.02.2019, which is impugned in this Writ Petition is hereby set aside. The order passed by the 1st respondent/Assistant Settlement Officer, dated 19.09.2011 and the complaint given by Mr.K. Natarajan/6th respondent, which has triggered the enquiry proceedings and culminated in issuance of impugned order shall be taken into consideration by Commissioner of Land Reforms in exercise the power under Section 7 of the Tamil Nadu Estate (Abolition and Conversion into Ryotwari) Act, 1948. The Commissioner of Land Acquisition, shall scrutinise the order passed by the Assistant Settlement Officer/1st respondent and pass appropriate order, in accordance with law, within a period of 60 days, from the date of receipt of a copy of this order, after affording opportunity to



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the petitioner and if necessary, the complainant Mr.K.Natarajan/6th respondent.

8. In the result, the Writ Petition is disposed with direction that the impugned order in Na.Ka. 19491/2018/A3, dated 18.02.2019 is hereby quashed. The Commissioner of Land Acquisition, shall consider the order passed by the 1st respondent/Assistant Settlement Officer, dated 19.09.2011 by exercising its revisional power under Section 7 of the Tamil Nadu Estate (Abolition and Conversion into Ryotwari) Act, 1948, and pass appropriate orders within a period of 60 days, from the date of receipt of a copy of this Order. No costs. Consequently, connected Miscellaneous Petitions are closed.'

5. Pursuant to the above order, the 1st respondent through the impugned proceedings dated 27.11.2021 has rejected the claim made by the petitioner.

6. The learned Senior Counsel appearing for the petitioner primarily raised the following grounds :

(a) The 1st respondent has relied upon G.O.Ms.No.714, dated 29.06.1987 as one of the reason for rejecting the claim made by the petitioner and such findings of the 1st respondent goes contrary to the earlier order passed by this Court in WP.No.15175 of 2011, dated 30.06.2011,



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wherein this Court had interfered with the decision taken by the Assistant Settlement Officer when the claim for Ryotwari patta was rejected by placing reliance upon very same G.O. The learned Senior Counsel submitted that this judgement passed in WP.No.15175 of 2011, is binding on both the parties and in fact the said judgement was acted upon and Ryotwari patta was issued by the Assistant Settlement Officer and hence the same ground cannot once again be revived; and

*(b) The learned Senior Counsel further submitted that the 1st respondent proceeded to exercise his suo motu power under Section 7(c) of Act 26 of 1948 and such suo motu power cannot be exercised in the instant case. To substantiate this submission, the learned Senior Counsel relied upon the judgement of the Division Bench in **Rajathi and another v. The Principal Secretary & Commissioner of Land Administration and another reported in 2013 2 CTC 129**. The learned Senior Counsel also relied upon the recent judgement passed by this Court in WP.No.3267 of 2023 dated 05.02.2025. Even though this judgement was passed under the Act 30 of 1963, it will equally apply even insofar as the suo motu proceedings initiated under Act 26 of 1948.*

7. The learned Special Government Pleader appearing on behalf of the respondents submitted



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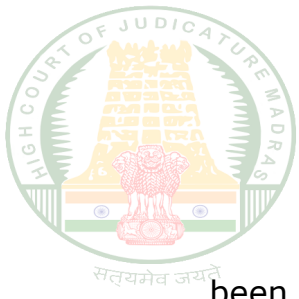
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that he is led by the learned Additional Advocate General and sought for sometime.

8. Post this writ petition under the caption 'part heard cases' on 27.02.2025."

6. On the contrary, the learned Additional Advocate General appearing on behalf of the respondents has submitted that the fifth respondent cannot condone the delay in view of the said Government Order. To substantiate this submission, he relied upon a common judgment of a Division Bench of this Court in the case of ***Tmt.Durab Zaman Begam & Others Vs. Director, King Institute of Preventive Medicine & Research, Chennai-32 [W.A.Nos.271 & 272 of 2014 dated 06.12.2023]***. He further contended that such time barred claims cannot be entertained as the period has been prescribed under the said Government Order.

7. In so far as the second issue that was captured in the earlier order dated 19.2.2025 is concerned, the learned Additional Advocate General appearing on behalf of the respondents has submitted that such suo motu powers are available to the first respondent under Section 7(c) of the Act and that this power, which is available, has



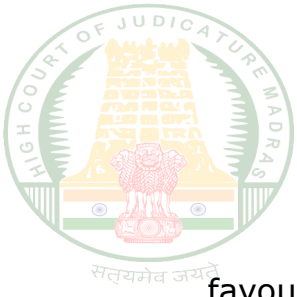
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been further confirmed by a judgment of the Full Bench of this Court in the case of ***Special Commissioner & Director of Survey & Settlement, Chennai-5 Vs. M.Arumugam [reported in 2007 (4) CTC 538]***. He also submitted that this Full Bench judgment was subsequently followed in various orders passed by this Court.

8. 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.

9. The fifth respondent passed the order dated 19.9.2011 granting ryotwari patta to the last three purchasers namely the said Mr.Jagaram, the said Mr.Mohanlal and the said Mr.Dharamveer in respect of the properties in S.No.33/4 by changing the classification to the extent of 3-35-5 hectares. Thereafter, patta was issued in their names in patta No.3688 by the fourth respondent vide proceedings dated 18.10.2011. The subject properties were thereafter sold on 30.11.2011 in favour of the said M/s.Vidushi Wires Private Limited, which resulted in the issuance of patta in their name. The said M/s. Vidushi Wires Private Limited, in turn, sold the subject properties in



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favour of the petitioner vide sale deed dated 12.6.2014. Further, the patta was also issued in the name of the petitioner in patta No.5902. The name of the petitioner was included in the chitta and adangal.

10. The entire problem started when the said Mr.K.Natarajan sent his complaint dated 18.8.2018 to the third respondent objecting to the patta granted in favour of the petitioner. Based on that, initially the patta was cancelled by the third respondent vide proceedings dated 18.2.2019. By order dated 16.9.2019, this order was interfered by this Court in W.P.No.5648 of 2019 filed at the instance of the petitioner and the matter was remanded to the file of the first respondent to exercise his revisional power under Section 7 of the Act and to pass appropriate orders.

11. The first respondent mainly assigned two reasons for cancelling the patta issued in favour of the petitioner. The first reason is that the fifth respondent had entertained a time barred application and that G.O.Ms.No.714 dated 29.6.1987 has been issued barring any authority to condone the delay in respect of the time barred applications.



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12. The first reason assigned by the first respondent is unsustainable. In the first round of litigation, when the fifth respondent passed the order dated 12.6.2011 rejecting the claim made for the issuance of patta on the ground of delay, this Court interfered with the said order dated 12.6.2011 in W.P.No.15175 of 2011 by order dated 30.6.2011 and directed the fifth respondent to pass appropriate orders on merits. This Court also gave a specific finding that there is no prohibition for the fifth respondent to condone the delay. This observation was made based on the earlier order passed in W.P.No. 11593 of 2011 dated 29.4.2011. This order has become final and it was never put to challenge by the respondents. Thus, the order is binding inter partes and the parties cannot be allowed to wriggle out of the same.

13. The Additional Advocate General has relied upon the common judgment rendered by the Division Bench of this Court in the case of **Tmt.Durab Zaman Begam** to substantiate his submission that such time barred application should not be entertained.



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14. In the considered view of this Court, the order, which has become final between the parties, cannot be effaced by showing a subsequent judgment that has been passed in the year 2023. The order passed by this Court in W.P.No.15175 of 2011 dated 30.6.2011 is binding on the respondents and it cannot be ignored by citing a subsequent judgment rendered much later. In the light of the above findings, the first reason assigned by the first respondent in the impugned order to cancel the patta that was issued by the fifth respondent in favour of the predecessors in title of the petitioner by placing reliance upon G.O.Ms.No.714 dated 29.6.1987 has to necessarily fail.

15. The second reason that has been assigned by the first respondent in the impugned order is that the first respondent has sufficient powers to invoke the suo motu revisional powers provided under Section 7(c) of the Act.

16. There is no denial of the fact that such power is vested with the first respondent. However, the question is as to whether the first respondent could have exercised such a power in the present case.



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17. The law on this issue was discussed by the First Bench of this Court in the case of **Rajathi** wherein the relevant portions are extracted as hereunder :

"10. In the decision reported in M.Veeraswamy v. Special Commissioner & Commissioner of L.A., etc., 1996 Writ L.R. 554, the question that arose for consideration was, whether suo motu Revision under Section 7(c) of the Act can be exercised without an Application for revising the order of the Lower Authority. The Division Bench of this Court, in the said decision, has held that the said Proviso does not contemplate any specific Application and the Board could exercise its Revisional power under clause (c) of Section 7 of the Act without an Application by any one.

11. The matter in question came up before the Full Bench of this Court since in the decision reported in Director of Survey and Settlement v. R. Ramadoss, 1992 (2) LW 265, a Division Bench of this Court has held that Director of Settlement has no suo motu power of Revision against the order of the Assistant Settlement Officer without an Application for such Revision and in the latter decision reported in M.Veeraswamy v. Special Commr. & Commr. of L.A., etc., 1996 Writ L.R. 554, another Division Bench of this Court has held



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that such power can be exercised under Clause (c) of Section 7 of the Act even without an Application for revising the order of the Lower Authority. In view of the conflicting decisions found thereon, a Full Bench was constituted and the Full Bench of this Court, in the decision reported in Special Commissioner & Director of Survey & Settlement v. M. Arumugam, 2007 (4) CTC 538 (FB), has affirmed the view taken by the Division Bench in the judgment reported in 1996 Writ L.R. 554, that is to say, that the Full Bench has held that the view taken by the Division Bench in the said decision that the power can be exercised even without an Application for revising the order of the Lower Authority, has been upheld.

12. But, however, in the case on hand, it is not the case of the petitioners that suo motu revision cannot be taken by the First Respondent exercising the power under Clause (c) of Section 7 of the Act without an Application before him. The point that has been canvassed by the learned Counsel appearing for the Petitioners is that such power could be exercised in a case other than an Appeal remedy is available. In order to appreciate the said contention, it would be useful to extract Clause (c) of Section 7 of the Act and the same is extracted hereunder:

'7. Powers of control of the Board of



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Revenue:-

(a) ...

(b) ...

(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 be Tribunal or of any managers; and

(d) ...'

The said provision clearly contemplates that the Board of Revenue shall have the power 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 Tribunal or of any managers. That means, if the remedy of Appeal is provided under the Act to challenge the order of the Assistant Settlement Officer, the suo motu Revision cannot be taken up exercising power under clause (c) of Section 7 of the Act.

13. In the given case on hand, it is not the case of the Respondents that there is no Appeal remedy against the order of the Assistant Settlement Officer, Dharapuram. Section 15 of the Act clearly spells out that against the decision of the Settlement Officer, an Appeal will lie before the Government. It would be, therefore useful to extract the said provision and the same is extracted hereunder:

'15. Determination of lands in which the



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landholder is entitled to ryotwari patta under foregoing provisions.—

(1) The Settlement Officer shall examine the nature and history of all lands in respect of which the landholder claims a Ryotwari Patta under Sections 12, 13 or 14 as the case may be, and decide in respect of which lands the claim should be allowed.

(2)(a) Against a decision of the Settlement Officer under sub-section (1), the Government may, within one year from the date of commencement of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1954, or from the date of the decision, whichever is later, and any person aggrieved by such decision may, within two months from the date, appeal to the Tribunal:

Provided that the Tribunal may, in its discretion, allow further time not exceeding six months from the filing of any such Appeal:

Provided further that the Tribunal may, in its discretion, entertain an Appeal by the Government at any time if it appears to the Tribunal that the decision of the Settlement Officer was vitiated by fraud or by mistake of fact.

(b) The decision of the Tribunal on any such appeal shall be final and not be liable to be questioned in any Court of Law.'



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14. A reading of clause (c) of Section 7 of the Act coupled with Section 15 of the Act will make it amply clearly that suo motu Revision could be entertained by the First Respondent, if there is no Appeal remedy available to challenge the order of the Assistant Settlement Officer. In the case on hand, since the Appeal remedy is available as provided under Section 15 of the Act, in our considered view, as rightly contended by the learned Counsel appearing for the Petitioners, the suo motu Revision will not lie before the First Respondent.

15. We may add that the power given to an authority under an Act or Rule has to be exercised strictly only in accordance with the mode provided therein. It cannot be denied that the power clothing with an authority through the legislation has to be exercised within the four corners of its conferment. It cannot be travelled beyond that. The language employed in the provisions of an Act can be interpreted only if there is any ambiguity and the Courts have no power to enter into the field of presumption or assumption. Absolutely there is no possibility to travel beyond what has been set out in the provisions to a statue. Therefore, in our considered view, when clause (c) of Section 7 of the Act clearly spells out that suo motu Revision could be exercised for cancelling or



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revising the order passed by the Settlement Officer other than those in respect of which an Appeal lies before the Tribunal, leaving the remedy available under Section 15 of the Act, which envisages an Appeal, the First Respondent has no legal right to entertain suo motu Revision, that too, after nearly 11 years from the date of the order of the Assistant Settlement Officer, Dharapuram.”

18. The First Bench of this Court in the decision in the case of **Rajathi** was dealing with the Act and the scope of power under Sections 7(c) and 15 of the Act. The First Bench also took note of the Full Bench judgment of this Court in the case of **M.Arumugam** that was relied upon by the learned Additional Advocate General wherein the Division Bench judgment of this Court in the case of **M.Veeraswamy Vs. Special Commissioner & Commissioner of L.A. [reported in 1996 Writ L.R. 554]** was affirmed and held that a suo motu revision can be entertained by the Commissioner of Land Administration, if there is no appeal remedy available to challenge the order of the Assistant Settlement Officer. However, such an appeal remedy is available under Section 15 of the Act. Therefore, the suo motu power cannot be exercised by the first respondent.



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19. It is true that this Court directed the first respondent to exercise the revisional powers under Section 7 of the Act. However, while issuing such directions, this Court cannot confer any power or jurisdiction, which is not otherwise available under the Act. The first respondent is a creature of the Statute and he can exercise powers only within the four corners of the Act and certainly cannot traverse beyond it. This judgment of the First Bench of this Court in the case of **Rajathi** will squarely apply to the facts of the present case.

20. This Court also places reliance upon the earlier order passed by me in the case of **R.Jayachandran & another Vs. State of Tamil Nadu & another [W.P.No.3267 of 2023 dated 05.2.2025]** wherein I had an opportunity to deal with an **in pari materia** provision available under Section 6(c) the Tamil Nadu Minor Inams (Abolition & Conversion into Ryotwari) Act, 1963 and I placed reliance upon the above First Bench judgment in the case of **Rajathi** and the earlier order passed by me in the case of **R.Jeyachandran Vs. State of Tamil Nadu [W.P.No.35303 of 2007 dated 15.7.2022]** and held that where an appeal remedy is available, such suo motu revision power cannot be exercised.



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21. In the light of the above discussions, the second reason that was assigned by the first respondent is also liable to be interfered by this Court.

22. In the upshot, the writ petition is allowed, the impugned proceedings of the first respondent made in No.K1/29629/2019 dated 27.11.2021 is hereby quashed. There shall be a direction to the fifth respondent to restore the ryotwari patta as per the earlier proceedings dated 19.9.2011 and consequently, the fourth respondent shall also restore the patta issued in favour of the petitioner in patta No.5902 with respect to the subject properties. It is further directed that necessary proceedings shall be issued by both respondents 4 and 5 within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected WMP is closed.

20.3.2025

Index : Yes
Neutral Citation : Yes

To
1.The Commissioner of Land
Administration, Ezhilagam,
Chepauk, Chennai-5.

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- 2.The District Collector,
Tiruvallur District, Tiruvalur.
- 3.The District Revenue Officer,
Tiruvallur District, Tiruvallur.
- 4.The Tahsildar, Ponneri Taluk,
Ponneri, Tiruvallur District.
- 5.The Assistant Settlement
Officer (North), Survey House,
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