IN THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment reserved on 26.11.2025

Judgment delivered on 17.12.2025

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

AND AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.A.No.985 of 2023

and

C.M.P.No.9838 of 2023

S.Tangshree Rao,
No.34, South Boag Road,
T.Nagar,
Chenna9 – 600 017. ... Appellant

Vs.

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

2. The Collector,
   Collectorate Office,
   Chennai – 600 001.

3. The Tahsildar,
   Puraswalkam Perambur Taluk,
   Perambur High Road, Perambur,
   Chennai – 600 011 ..Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, 1865 to set aside the order dated 30.09.2022 passed in W.P.No.22393 of 2012 and allow the Appeal filed by the appellant.

For Appellant : Mr.A.Jenasenan

For Respondents : Mr.R.Ramanlaal,
Additional Advocate General
assisted by Mr.D.Ravichander,
Spl.Govt.Pleader

JUDGMENT

S.M.SUBRAMANIAM,J.

The present intra-Court appeal has been instituted to assail the common order dated 30.09.2022 passed by the writ Court. Challenging the very same common order of the writ Court, the Writ Appeal in W.A.No.2451 of 2022 has been filed by Mr.V.S.Basu, who is the 4th respondent in W.P.No.17151 of 2008 and the writ petitioner in W.P.No.4491 of 2020. The said Writ Appeal has been filed against W.P.No.4491 of 2020. The Division Bench of this Court, considered the issue on merits and dismissed the writ appeal with cost of Rs.5,000/-.

2. Taking lead, based on the said judgment of the Division Bench, decided against the very same common writ order which is under challenge in the present writ appeal, the learned Government Pleader would submit that the matter is covered and the present writ appeal is liable to be rejected.

3. The learned counsel for writ appellant would disagree by stating

that the grounds raised in the present Writ Appeal is slightly different and therefore, it is to be dealt with independently. It is contended that the appellant is the purchaser of the subject land measuring about 71 cents comprised in S.No.60/4 of Kolathur Village, Perambur-Purasawalkam Taluk, Chennai-600011. An application was submitted on 12.03.1986 by the vendors of the appellant before the Assistant Settlement Officer to issue patta. Patta has been issued by the Assistant Settlement Officer by proceedings dated 23.07.2000 under Section 11A of the Estate Abolition Act, 1948. Since the application seeking patta had been filed before the cut off date as fixed by the Government, the patta granted by the Assistant Settlement Officer is in accordance with the Act and consequently, the order of the Commissioner of Land Administration, reversing the order of the Assistant Settlement Officer, is perverse.

4. The learned counsel for appellant would further contend that the property was purchased by him and several alienation prior to his purchase was made and thus, the order of the Commissioner of Land Administration is liable to be set aside.

5. Learned Additional Advocate General would oppose the above contentions by stating that the documents produced by the appellant are identified as forged documents. The Commissioner of Land Administration

conducted a detailed enquiry by affording opportunity to all the parties. During the course of adjudication, the Commissioner of Land Administration found that the documents submitted by the appellants are forged and the land absolutely vested with the Government. The application submitted prior to the cut off date is incorrect and the said representation is a manipulated document.

6. The cut off date, as per G.O.Ms.No.589, Commercial Taxes and Religious Endowment Department, dated 14.05.1975 was 30.06.1975. The interpretation made on behalf of the appellant that the time to submit the application was extended till 29.07.1987 in G.O.Ms.No.714 is based on misinterpretation. That apart, the issues are covered and all these grounds are adjudicated before the Division Bench in W.A.No.2451/2022 filed against the very same impugned writ order dated 30.09.2022 and thus, the appeal is to be rejected.

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

8. Kolathur Village in Perambur-Purasawalkam Taluk was notified in G.O.Ms.No.2302, Revenue Department dated 01.09.1951 and taken over by Government in 01.10.1951 under the provision of Tamil Nadu Estate

(Abolition and Conversion into Ryotwari) Act XXVI of 1948. During the Settlement, the subject land measuring 0.71 Acre in S.No.60/4 was decided as "Nanjai Anadheenam" and recorded in Revenue accounts. The said classification became final as per the rules of the Statute. The application was allegedly said to have been filed on 12.03.1986. The reply letter sent by the Assistant Settlement Officer in the year 1986 was found to be forged document by the Commissioner of Land Administration, since he had verified the original files available in the office of the Assistant Settlement Officer.

9. The factual findings made by the Commissioner of Land Administration would be relevant for the purpose of considering the facts.

10. The Commissioner of Land Administration found that the claim of the appellant is based on the orders passed by the Assistant Settlement Officer, Tiruvannamalai, in proceedings dated 23.07.2000. In the wake of notification issued in G.O.Ms.No.714, Commercial Tax and Rural Endowment Department dated 29.06.1987, the authorities are stripped of their powers to receive fresh application. The vendors of the appellant approached the Assistant Settlement Officer in the year 2000 and the Assistant Settlement Officer, without any authority granted patta to them. The Commissioner made a finding that "It is astonishing to note that both

the first and second respondents have clandestinely approached the Assistant Settlement Officer and got orders fraudulently and now accusing each other and contending that the orders possessed by them alone are valid one.” The finding of the Commissioner of Land Administration in Para No.11 would be of greater assistance to understand the issues raised between the parties and the said Paragraph No.11 reads as under.:

> *11. the contentions of the first and second respondents are purely based on the orders passed by the Assistant Settlement Officer, Tiruvannamalai in his proceedings dated 19.07.2000 and 23.07.2000 respectively. In the wake of Notification issued in G.O.Ms.No.714, Commercial Taxes and Religious Endowment Department dated 29.06.1987, all the authorities are stripped of their powers to receive fresh application after 29.07.1987. Both the first and second respondents approached the assistant Settlement Officer in the year 2000 and the Assistant Settlement Officer, without any authority granted patta to both of them. It is astonishing to note that both the first and second respondents have clandestinely approached the Assistant Settlement Officer and got orders fraudulently and now accusing each other and contending that the orders possessed by them alone valid one. If both of these respondents really had any proper title they might have availed the opportunities and concessions offered by the Government as explained in para 9 supra. But neither of them had lawful right to the suit land. That is the reason that they did not apply for patta in time. The examination of the Assistant Settlement Officer files S.R.18/2000 and K.Dis.1026/2000 clearly shows*

that the order of Assistant Settlement Officer are fraudulent and fabricated to grant patta for the lands vested with the Government for the benefit of some individuals. Firstly, Thiru.V.S.Babu has filed an application to Assistant Settlement Officer, Tiruvannamalai which was received on 09.05.000 alone with photocopies of some documents. The Assistant Settlement Officer in his inspection report dated 14.07.2000 just mentioned the four boundaries of the suit land. He did not name the other officials such as Tahsildar/Deputy Tahsildar, Surveyor in his inspection report. It is intriguing to note that how the Assistant Settlement Officer without the assistance and knowledge of field staff identified and inspected the land. After the said inspection the Assistant Settlement Officer by his order dated 19.07.2000 granted patta in favour of Thiru.V.S.Babu. The Assistant Settlement Officer has mentioned that the Tahsildar did not raise any objection for grant of patta. It is verified from the Assistant Settlement Officer's file that no notice of intimation issued to the Tahsildar. Secondly, in the case of second respondents the Assistant Settlement Officer received application without date and seal. In this file also unreadable photocopies of some documents are found place. The Assistant Settlement Officer in his order dated 23.07.200 has stated that he inspected the land on 14.07.2000 and found that it is under possession and enjoyment of second respondent. In this order also the Assistant Settlement Officer has routinely mentioned that the Tahsildar did not raise any objection. This file was closed as K.Dis. which means it is subjected to destruction after a period of three years. Only with a hope that this filed would have been *destroyed after 3 years, the second respondent approached the Collector and the Tahsildar in the year 2004 and got patta transferred in their names. Fortunately this file has been seized form the O/o Assistant Settlement Officer and all the irregularities committed by the Assistant Settlement Officer pointed out that these orders of Assistant Settlement Officer are not only fraudulent but fabricated too. Disciplinary proceedings have already been initiated against the erred officials in this case.*

11. The writ Court elaborately considered these issues and disposed of the writ petition. Beyond the above facts and circumstances considered by this Court, the very same impugned common writ order dated 30.09.2022 came to be challenged in W.A.No.2451/2022 and the said Writ Appeal was dismissed by the Division Bench, by order dated 26.11.2024. Pertinently, the appellant in the said writ appeal Mr.K.V.Babu is the 4th respondent in W.P.No.17151 of 2005 and the writ petitioner in W.P.No.4491/2020 and the subject property is also one and the same. The subject property as per notification, dated 01.09.1951, vest with the Government. It was specifically classified as “ Nanjai Anadheenam' and the said recording is being maintained all along. The application submitted for grant of patta in the year 1986 was found to be forged one by the Commissioner of Land Administration. Based on the application submitted in the year 2000, the Assistant Settlement Officer granted patta and the

order of the Assistant Settlement Officer was adjudicated and the Commissioner found that the patta has been obtained fraudulently in order to grab the Government land.

12. It is brought to the notice of this Court by the learned counsel for the 1st respondent that C.S.No.352 of 2005 was disposed of on 11.11.2010, even before the disposal of OSA Nos.203 and 207 of 2010. Thus, the interim orders granted in C.S.No.352 of 2005 and C.S.No.188 of 2005 as confirmed in OSAs are not binding upon the Government. In respect of C.S.No.188 of 2008, it is submitted that the Government is not a party to the said Suit and therefore, the Government has rightly taken possession of the subject property and commenced construction of Combined Government Building including Taluk Office at Kolathur, Chennai.

13. This being the facts and circumstances, the present Writ Appeal deserves to fail and consequently, stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) **(M.S.Q.,J.)**
17-12-2025

vsi
Neutral citation

To

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

2. The Collector,
   Collectorate Office,
   Chennai – 600 001.

3. The Tahsildar,
   Puraswalkam Perambur Taluk,
   Perambur High Road, Perambur,
   Chennai – 600 011

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

vsi

Pre-delivery judgment in
W.A.No.985 of 2023
and
C.M.P.No.9838 of 2023

17-12-2025