



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2025

CORAM

WEB COPY

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

**WA No. 1863 of 2023
and
CMP No. 16246 of 2023**

1.The District Collector
Kancheepuram District,
Kancheepuram.

2.The Tahsildar,
Sriperumbudur Taluk,
Kancheepuram District,
Kancheepuram.

Appellant(s)

Vs

1.P.Sharadha

2.S.A.Balaraman,

3.Y.Srinvas,

4.Uma Maheswari,

Respondent(s)

PRAYER

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 24.08.2021 made in WP.14241/2016.



For Appellant(s): Mr.R.Ramanlaal
Additional Advocate General
Asst.By Mr.T. Arunkumar
Additional Government Pleader

For Respondent(s): Mr.C.Gowthaman
Senior Counsel
For Mrs.S.Karpagapriya

JUDGMENT

(Judgment was delivered by S.M.Subramaniam J.)

The writ order dated 24.08.2021 passed in W.P.No.14241 of 2016 is under challenge in the present writ petition. State preferred the present appeal mainly on the ground that the order passed by the Commissioner of Survey and Settlement in June, 2011 is contrary to facts and law. The scope of Act 26 of 1948 and its provisions have not been considered either by the Director of Survey and Settlement or by Writ Court.

2. The facts remain that the subject land was taken over by the Government pursuant to the provisions under Act 26 of 1948 and patta has been granted by the Director of Survey and Settlement in favour of the respondent in the year 2011 beyond the cut off date.

3. That apart, a direction was issued by the Director of Survey and Settlement to reclassify the 'Meikkal Poromboke' land as private patta land, which is impermissible and therefore, the State preferred the present appeal.



4. Mr.T.Gowthaman, learned Senior Counsel appearing on behalf of the respondents would mainly contend that the District Collector has passed an order over-ruling the orders passed by the Director of Survey and Settlement who is the Higher authority. Thus, the Writ Court considered the issues and allowed the petition. Consequently, the writ appeal is to be dismissed.

5. This Court heard the parties to the lis on hand.

6. The ground raised on behalf of the respondents appears to be right in view of the fact that the Director of Survey and Settlement has passed an order in the year 2011. The District Collector passed an order in the year 2016 after conducting a detailed inquiry superseding the order of the Director of Survey and Settlement.

7. The learned Additional Advocate General appearing on behalf of the appellant would submit that the scope of powers conferred under the Act to the Director of Survey and Settlement and District Collector are distinct and therefore, the order of the District Collector is in accordance with the provisions of the Act.

8. May that as it be, the controversy has to be resolved through the



Commissioner of Land Administration, who is the competent authority under the provisions of the Act. The Commissioner of Land Administration is exercising the powers of Board of Revenue under Section 7 of the Act 26 of 1948. Since he is the authority competent to decide the issues on merits and in accordance with law, it is preferable that the said authority to decide the issues finally so as to give quietus to the controversy raised between the parties.

9. Since disputed facts are involved, which is to be verified by scrutinizing the original revenue records and the documents to be produced by the respondents, this Court is of the considered view that the Commissioner of Land Administration has to decide the issues and pass appropriate orders.

10. In view of the above findings the writ order impugned dated 24.08.2021 in W.P.No.14241 of 2016 is set aside and the Commissioner of Land Administration is directed to exercise his suo-motu powers under Section 7C of the Act 26 of 1948 and issue notice to all the parties conduct an inquiry by affording opportunity to the parties and thereafter pass final orders on merits and in accordance with law within a period of 8 weeks from the date of receipt of a copy of this order. The respondents are at liberty to file their defense statement along with the documents, if any and cooperate for early



disposal of the proceedings before the Commissioner of Land Administration.

In the event of non-cooperataion of the parties, the Commissioner shall record

the entire the proceedings and proceed with the case and pass appropriate

orders, on merits and in accordance with law.

11. With the above directions, the Writ appeal stands allowed. No costs.

Consequently, the connected Miscellaneous Petition is closed.

(S.M.SUBRAMANIAM J.)(MOHAMMED SHAFFIQ J.)

25-11-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

Jeni



WEB COPY

WA No. 1863 of 2023



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

Jeni

WA No. 1863 of 2023

25-11-2025