



W.P.No.33505 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **MUMMINENI SUDHEER KUMAR**

W.P.No.33505 of 2025

and

W.M.P. No.37638 of 2025 in W.P. No.33505 of 2025

1.C.Murugan
2.Sangeetha
3.C.Sevathan

... Petitioners

Vs.

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

2.The Collector of Kallakurichi District,
Collectorate, Kallakurichi.

3.The District Revenue Officer,
Revenue Office, Kallakurichi.

4.The Revenue Divisional Officer,
Revenue Office, Kallakurichi.

5.The Revenue Tahsildar,
Office of the Tahsildar,
Kalvarayan Hills Taluk,
Kallakurichi District.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India

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praying to issue a Writ of Certiorarified Mandamus to call for the records from the fifth respondent pertaining to their impugned order dated 06.08.2025, made in Na.Ka.A3/684/2022 and to quash the same and directing the fifth respondent to implement Chapters III, IV and VII of the Tamil Nadu Inam Estates (Abolition & Conversion into Ryotwari) Act, 1963 for the petitioners herein and grant ryotwari patta to the petitioners as per their sale deed dated 16.06.1970 registered as Document No.560 of 1970 at the Sub Registrar Office, Vadakkanandal for their lands, situated in Vellimalai Village, Kalvarayan Hills Taluk, Kallakurichi District and issue ryotwari patta for the lands of the petitioners by considering their representation dated 10.05.2025.

For Petitioner : Mr.R.Agilesh

For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Captioned main 'Writ Petition' [hereinafter 'WP' for the sake of brevity] has been filed with a prayer for issue of a writ of certiorarified mandamus.

2. In and vide certiorari limb of the prayer, writ petitioners have



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assailed an 'order dated 06.08.2025 bearing reference Na.Ka.A3/684/2022' (hereinafter 'impugned order' for the sake of convenience and clarity) wherein and whereby writ petitioners' request for grant of patta has been negated.

3. In and vide mandamus limb of the prayer (to be noted mandamus limb is not a consequential prayer), a direction to fifth respondent has been sought to implement 'The Tamil Nadu Inam Estates (Abolition & Conversion into Ryotwari) Act, 1963' (hereinafter 'said 1963 Act' for the sake of convenience and clarity) as regards grant of ryotwari patta.

4. Learned counsel for writ petitioners submits that the writ petitioners by virtue of certain documents and long occupation are entitled to patta and the impugned order has been erroneously made by R5 by overlooking the documents and other attendant circumstances.

5. Issue notice to official respondents.



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6. Mr.T.K.Saravanan, learned Additional Government Pleader

accepts notice for all five respondents and submits that proceedings under 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} were initiated, show cause notices under Section 7 being notices dated 04.06.2025 were issued; that the same were assailed by the writ petitioners by way of W.P.No.21973 of 2025; that the earlier writ petition was disposed of by a Division Bench to which one of us (M.Sundar, J.) was a party in and by an order dated 19.06.2025 reported in Madras High Court Neutral Citation **2025:MHC:1468** *inter alia* making it clear that the writ petitioners' request for grant of patta, if the writ petitioners make a separate application/representation, shall be considered by the State on its own merits and in accordance with law untrammelled by the withdrawal of the earlier W.P.No.21973 of 2025; that the impugned order was made by R5 in the light of said order; that post 04.06.2025 show cause notices under Section 7, Section 6 orders have been made on 12.08.2025 and the same have been served on the writ petitioners on 13.08.2025.

7. We considered the submissions made on both sides.



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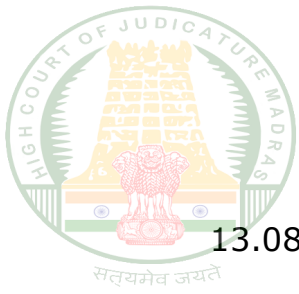
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8. Learned counsel for writ petitioners submits that as against the orders under Section 6 of said 1905 Act dated 12.08.2025 (served on the writ petitioners on 13.08.2025), the writ petitioners have now preferred statutory appeals on 01.09.2025 (to be noted statutory appeals under Section 10 of said 1905 Act and the Appellate Authority is R2).

9. The impugned order is clearly dovetailed nay inextricably intertwined with Section 6 orders. Therefore, the appellate authority/ R2 shall consider the correctness or otherwise of the impugned order also in the appeal said to have been filed by writ petitioners on 01.09.2025. In other words, we are relegating the matter to R2 without expressing any view or opinion on the merits of the matter.

10. As regards coercive action, writ petitioners' counsel submits that the writ petitioners are under pain of coercive action.

11. As the orders under Section 6 of said 1905 Act dated 12.08.2025 have been served on the writ petitioners only on



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13.08.2025, in the light of sub-section (1) of Section 11, writ petitioners have time till 13.09.2025 to prefer statutory appeals.

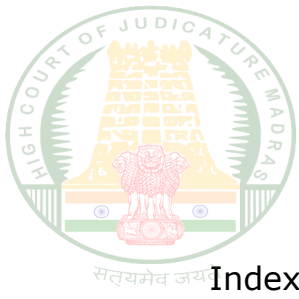
Therefore, coercive action (if any and if that be so) can be only after 13.09.2025. Besides this, when statutory appeals have been filed with stay petitions under Section 10-B of said 1905 Act, we make it clear that coercive action, if any and if that be so, can only be subject to order in stay petitions, which douses the anxiety of the writ petitioners as regards captioned WP.

12. Though obvious we make it clear that R2/Appellate Authority shall consider the matter on its own merits untrammelled by instant order.

13. Captioned WP is disposed of in the aforesaid manner. In the light of what we have written as regards coercive action, captioned Writ Miscellaneous Petition (WMP) thereat has become otiose and the same is disposed of as closed having become otiose. There shall be no order as to costs.

(M.S.,J.)

(M.S.K.,J.)



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Index : Yes / No

Neutral Citation : Yes / No
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