



W.A.No.3762 of 2024 & Cont.P.No.201 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 23.04.2025

CORAM :

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE C. KUMARAPPAN**

**Writ Appeal No.3762 of 2024 and
CMP.No.29631 of 2024**

1.The Commissioner,
Land Administration Department,
Chepauk, Chennai-5.

2.The District Collector,
Ariyalur District,
Ariyalur.

3.The Revenue Divisional Officer,
Ariyalur District,
Ariyalur.

4.The Tahsildar,
Ariyalur District,
Ariyalur.

.. Appellants

VS

1.Durairaj
2.Velusamidurai

3.S.Nagarajan, IAS,
Presently Secretary to Government,
[Expenditure FAC],
Finance Department,



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Secretariat, Chennai-9.

..

Respondents

WEB COPY (R3 suo motu is impleaded, vide order of Court dated 03.01.2025 made in WA.No.3762 of 2024)

Prayer : APPEAL filed under Clause 15 of the Letters Patent against the order dated 08.11.2024 in W.P.No.10623 of 2024 on the file of this Court.

For Appellants : Mr.Ramanlal, Additional Advocate General
for Mr.T.Arunkumar,
Additional Government Pleader

For Respondents : Mr.K.M.Vijayan, Senior Counsel
for M/s.K.M.Vijayan Associates
(for R1 & R2)

JUDGMENT

(Delivered by Dr.ANITA SUMANTH.,J)

We have heard Mr.Ramanlaal, learned Additional Advocate General for the appellant and Mr.K.M.Vijayan, learned Senior Counsel appearing for M/s.K.M.Vijayan Associates, learned counsel for the respondents. The parties are referred to as per their rank in this Writ Appeal.

2. The facts are as follows:

Ariyalur village was a Zamin. Proceedings appear to have been taken by the Revenue Department and orders were passed by the



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Assistant Settlement Officer, Thanjavur and the Director of Settlements

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as early as in 1962 proposing to vest those lands in the State. While so, in 2008, suits had been filed by R1 and R2 in O.S.Nos.33 and 35 of 2008 before the District Munsif Court, Ariyalur for declaration of title in respect of 7.60 and $\frac{1}{2}$ acres of land each, in S.F.No.447, Ariyalur Town (referred to conjointly as 'property'/'property in question').

3. The District Collector, Revenue Divisional Officer and Tahsildar, Ariyalur were impleaded as defendants in the aforesaid two suits. The genesis of the suits was that R1 and R2 had approached the authority seeking declaration of title in respect of the property in question and at that time it was found that the lands had been classified as Anatheenam lands. Since according to them the lands vested in them in their capacity as legal heirs of the erstwhile Zamin of Ariyalur and by virtue of partition executed inter se the family members on 16.07.1955, they were entitled to the declaration as sought for.

4. The suits were decreed on 30.04.2008. A written statement had been filed only by the Tahsildar, who was arrayed as D3 in the suits. In the written statement, the Tahsildar had categorically conceded to the position that R1 and R2 are in possession of the schedule properties and enjoying the same and there would be no objection for grant of patta, if



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the plaintiffs proved their title. As the plaintiffs had proved their title through partition deed dated 16.07.1955, the suits came to be decreed based on the settlement that they are entitled to, as per partition deed as well as the written statement of the Tahsildar.

5. It is relevant to note that the District Collector, being the superior officer in the State administration as well as the Revenue Divisional Officer, yet another senior officer in the State administration had not chosen to file written statements and the suits came to be decreed on the basis of the written statement filed by the Tahsildar alone. This is a conscious decision on the part of the State administration and hence the consequence of the same would have to be suffered by the parties.

6. While so and based on the decree in the suits, R1 and R2 have made an application for issuance of patta in the schedule properties, which came to be rejected by the Commissioner, Land Administration vide order dated 25.10.2023, challenging which, W.P.No.10623 of 2024 had come to be filed. That is on the one hand.

7. As against the decree in the suits, second appeals in S.A.Nos.932 and 933 of 2013 had come to be filed, which came to be dismissed on 28.03.2016. As against the judgment and decree dated 28.03.2016, Review Petitions had been filed by the State in Review



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Petition Nos.91 and 89 of 2019. It is only at that stage that the State seeks to bring on record the orders passed by the Settlement Officer by way of an additional typed set.

8. It appears that the compilation had merely been handed over across the Bar at the fag end of the hearing of the Review Petitions and hence the learned Judge hearing the Review Petitions has recorded that there was no petition seeking admission of additional evidence or to receive the documents as additional evidence. Paragraph 10 of order dated 22.07.2021 makes it clear that those documents were not being considered. Hence the learned Judge has proceeded on the basis that the Review Petitions were pursued only on the ground of fraud and the main argument taken by the State was that there had been collusion between the Tahsildar and the plaintiffs in the suit (R1 and R2 in this appeal).

9. The Review Petitions came to be rejected on 22.07.2021, as against which SLP Diary Nos.14866 and 14869 of 2022 had been filed. The delay in filing was condoned and, vide order dated 25.07.2022, the Supreme Court had specifically stated that no case has been made out to interfere with the impugned judgment and order of the High Court.

10. With this, there is finality to the position that the documents casually placed by way of of compilation without even a petition seeking



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admission, are to be eschewed as confirmed by the Supreme Court.

WEB COPY 11. The present appeal is filed by the State as against order dated 08.11.2024 allowing the Writ Petition filed by R1 and R2 and directing the authorities to issue patta to them.

12. In light of the narration as we have set out above, this is a fit case to come down hard on the State and in fact, to impose costs. This aspect of the matter has been considered by our predecessor as well and by order dated 03.01.2025 suo motu contempt was taken and Mr.S.Nagarajan, I.A.S., who had passed the impugned order in the Writ Petition as Commissioner of Land Administration was impleaded as R3 in this Writ Appeal.

13. Pursuant to the same, the Contempt Petition was numbered as 201 of 2025 and an affidavit was received from the Contemnor tendering unconditional apology. A request was made by the Additional Advocate General that the Court not go into the merits of the statements made in the affidavit. Accepting the unconditional apology, the Contempt Petition was closed on 31.01.2025.

14. We are in complete agreement with the order of the Writ Court and find no merit whatsoever in the present Writ Appeal. The conclusion of the Writ Court in impugned order dated 08.11.2024 is confirmed. We



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reiterate the directions to issue patta to R1 and R2 within a period of one

WEB COPY (1) week from date of uploading of this order on the official website of this Court.

15. The present attempt of the State to re-argue the entirety the matter today yet again, at the cost of valuable judicial time is deprecated.

16. This Writ Appeal and the connected Miscellaneous Petition are dismissed. No costs.

[A.S.M., J] [C.K., J]
23.04.2025

sl
Index:Yes
Speaking order
Neutral Citation:Yes



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