



W.P.No.48283 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.48283 of 2025

and

W.M.P.Nos.53945, 53947 and 53948 of 2025

N.Saravana Kumar

... Petitioner

-VS-

1.The Commissioner of Land Administration,
Chepauk, Chennai – 600005.

2.The Commissioner of Survey and Settlement,
Survey House,
Chepauk, Chennai – 600 005.

3.The District Collector,
Namakkal – 637 001.

4.The District Revenue Officer,
Namakkal,
Namakkal District – 637 001.

5.The Tahsildar,
Namakkal Taluk,
Thillaipuram,
Namakkal – 637 001.

6.R.Kannan

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order/ Suo Motu Revision enquiry order passed by the 1st respondent herein dated 26.04.2023 in ROC.No.K1/4049381/2023 and quash the same and consequently direct the 1st respondent to hear the petitioner herein and to take a decision afresh in accordance with law, after providing opportunity to the petitioner and until then not dispossess the petitioner from S.No.42/2, an extent of 0.44 cents in Thummankurichi Village, Namakkal Taluk, Namakkal District.

For Petitioners : Mr.S.V.Vijayprashanth

For Respondents : Mr.T.Arun Kumar,
Addl. Government Pleader for R1 to R5

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.,)

The proceedings of the Commissioner of Land Administration, Chepauk, Chennai dated 26.04.2023 declining to grant ryotwari patta in respect of the land classified as “Government Poramboke – Kuttai” is under challenge in the present Writ proceedings.



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2. The patta originally granted by the subordinate Authority came to be cancelled by the Commissioner of Land Administration by exercising the *suo motu* power conferred under Section 7(c) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 [hereinafter referred to as “the Act, 1948”].

3. Primarily the present Writ Petition is not entertainable in view of the fact that the vendor to the writ petitioner one Mr.R.Kannan challenged the very same impugned order dated 26.04.2023 issued by the Commissioner of Land Administration in W.P.No.31343 of 2023. The Hon’ble First Bench of the High Court disposed of the Writ Petition by recording the fact that the subject land has been classified as “Private Kuttai” and under Section 14-A of the Act, 1948 patta cannot be granted. However, the Division Bench recorded that the petitioner would take appropriate steps in respect of the impugned order in appropriate proceedings.

4. The learned counsel for the petitioner would submit that the land originally belonged to Marappa Gounder and therefore the sale deed executed in favour of the writ petitioner is valid. But, the very same revenue documents placed by the petitioner would show that the land has



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been classified as “Poostihithi Sondha Kuttai”. It is a private tank as per the classification. Section 14-A of the Act, 1948 enumerates that patta shall not be granted in respect of private tank or Oorani. Sub-Section (2) reads as under:-

(2) Any ryotwari patta granted in respect of any private tank or oorani under this Act before the date of the publication of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1974, in the Tamil Nadu Government Gazette, shall stand cancelled, and for purposes of compensation under this Act, the private tank or oorani shall be deemed to be land in respect of which neither the landholder nor any other person is entitled to ryotwari patta under this Act.

5. The issue whether the Commissioner of Land Administration is empowered with *suo motu* revision power under Section 7(c) of the Act, 1948 or not is considered by this Court in the case of **Commissioner of Land Administration Vs. R.Muniyandi @ Chandran** reported in **2025 MHC 2624** and the relevant paragraphs are extracted hereunder:

25. While abolishing the Board of Revenue, the powers of the Board of Revenue under the Act had been transferred to the Commissioner of Land Administration. Thus, Section 7(c) of the Act, confers power on the Commissioner of Land Administration to cancel or revise the orders of the Settlement



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Officer, including Assistant Settlement Officers, where the appeal against such orders does not lie before the Tribunal.

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26. In the case of Thiru.No.Veerasamy Vs. Special Commissioner and Commissioner of Land Administration and others.... it had been held that Sections 7(c) and (d) confer power on the Board to cancel or set aside any orders passed by the lower authority and the Board can exercise the power suo motu, without application, for revisiting the order of the lower authority.

6. In the present case, the Commissioner of Land Administration elaborately adjudicated the issues and arrived at a conclusion that the communal land is intended for common use. The same cannot be altered or modified for the benefit of an individual and this principle was imbibed while enacting Section 14-A of Act 26 of 1948 and also G.O.(Ms.) No.714 Commercial Taxes and Religious Endowments Department, dated 29.06.1987 put an end to settlement proceedings under the settlement enactments.

7. The Commissioner of Land Administration verified from the SLR that the land in question in S.No.42/2 has been registered as “Government Poramboke – Kuttai” as per the Amendment Act 49 of 1974. In such



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circumstances, the Commissioner of Survey and Settlement did not have adequate grounds to issue ryotwari patta under Section 11(a) of the Act XXVI of 1948. Hence, the order passed by the Commissioner of Survey and Settlement in ROC.No.11/5590/2011 dated 12.08.2011 granting ryotwari patta for the lands in S.No.42/2 measuring an extent of 0.88 acre in Thummankurichi Village under Section 11(a) of Act 26 of 1948 is beyond the power conferred on him under the Settlement Acts and Rules. Consequently, the said order was set aside. The Commissioner of Land Administration further directed not to mutate the revenue records in favour of the individuals, since the lands were subsequently transferred to various other parties by the original owners.

8. The impugned order dated 26.04.2023, originally came to be challenged by the vendor of the petitioner and the Writ Petition was disposed of by the Division Bench. The said order of the Division Bench of this Court is confirmed by the Hon'ble Supreme Court of India in SLP.No.34444 of 2025 dated 02.12.2025. If at all the petitioner is aggrieved, he has to sue his vendor. If the sale is fraudulent or intentional or otherwise, the remedy will lie against the vendor of the petitioner and not against the Government, since the land is classified as "Government Poramboke – Kuttai", which is a water body and cannot be alienated.



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9. In view of the above factum, the present Writ Petition is not entertainable and stands **dismissed**. No costs. Consequently, the connected miscellaneous petitions are closed.

(S.M.S,J.,) (C.K,J.,)
16.12.2025

Index: Yes / No
Internet: Yes / No
dsa

To:

- 1.The District Collector,
Chennai Collectorate Office, Chennai – 600 001.
- 2.The Revenue Divisional Officer,
Sholinganallur Revenue Divisional Office,
Sholinganallur, Chennai – 600 119.
- 3.The Tahsildar,
Sholinganallur Taluk Office,
Sholinganallur, Chennai – 600 119.
- 4.The Revenue Inspector,
Sholinganallur Birka Office,
Sholinganallur Circle, Chennai – 600 119.



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S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.

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