



W.P.(MD)No.5256 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.5256 of 2025
and
W.M.P(MD)Nos.3854 & 3857 of 2025

P.V.Vidanthan

.... Petitioner

/Vs./

- 1.The Additional Chief Secretary /
Commissioner of Revenue
Administration,
Commissionerate of Revenue Administration,
Ezhilagam, Chepauk,
Chennai.
- 2.The Principal Chief Conservator of Forests,
(Head of Department),
Forst Headquarters Building,
Guindy Velacherry Main Road,
Chennai.
- 3.The Commissioner,
Commissionerate of Land Administration,
Land Administration Department,
2nd Floor, Ezhilagam, Chepauk,
Chennai.
- 4.The District Collector,
O/o.the District Collector,
Sivagangai District.



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5.The District Revenue Officer,
O/o.the District Revenue Officer,
Sivagangai District.

6.The Sub Collector,
O/o.the Sub Collector,
Devakottai,
Sivagangai District.

7.The District Forest Officer,
O/o.The District Forest Officer,
Sivagangai Division,
Sivagangai District.

8.The Tahsildar,
O/o.The Tahsildar,
Karaikudi Taluk Office,
Sivagangai District.

9.The Assistant Settlement Officer (South),
O/o.The Assistant Settlement Officer (South),
Chennai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 20.09.2024 in Moo.Mu.A3/3935/2024 on the file of the Respondent No.6 and quash the same as illegal and consequently direct the respondents herein to issue patta in respect of survey No.22 and 388 situated at Pananvayal Village, Karaikudi Taluk, Sivagangai District within the time frame stipulated by this Court.



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For Petitioner : Mr.J.Vishnu

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

Considering the limited scope of the relief sought for in the writ petition, with the consent of the parties, the writ petition itself is taken up for final disposal at the admission stage.

2. I have heard the learned counsel for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader appearing for the official respondents.

3. The writ petition has been filed challenging the impugned order passed by the sixth respondent dated 20.09.2024 and to consequently issue patta to the petitioner in respect of survey numbers 22 and 388 situated at Pananvayal Village, Karaikudi Taluk, Sivagangai District.

4. The case of the petitioner is that the petitioner and his family have been occupying the lands in survey numbers 22 and 388, which



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originally belonged to Kaandanur Sivan Koil Koodiya Karuppan Koil and Vidathudayar Koil. It is the case of the petitioner that the petitioner's forefathers were cultivating the subject lands for more than 100 years and by way of inheritance, the petitioner has become entitled to the said property. The further case of the petitioner is that Pananvayal Village was notified under the provisions of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act 26/63 and the lands in the said village were taken over by the Government on 15.05.1965 and thereby, Ryotwari settlement was introduced in the said Village vide Notification in G.O.Ms.No.1231, dated 09.04.1965.

5. According to the petitioner, the petitioner was not aware of the enquiry conducted under the settlement proceedings because of his illiteracy and no claim for Patta was made before the Settlement Officer at the relevant point of time. The petitioner after coming to know about the Ryotwari settlement submitted a petition on 31.12.1993 to the Director of Survey and Settlement, who by order dated 22.02.1996 directed the Assistant Settlement Officer, Madurai to enquire into the matter and pass orders on the petitioner's application for grant of patta.



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The Assistant Settlement Officer, Madurai enquired into the matter and granted patta to the petitioner on 27.02.1996. However, it is the case of the petitioner that instead of granting patta under Act 26/63, patta was granted under the provisions of the Tamil Nadu Estate (Abolition and Conversion into Ryotwari) Act, 1948. Subsequently, on 16.10.2002, the third respondent Commissioner, Land Administration *suo motu* exercising the power of revision under the Act, issued a show cause notice to the petitioner as to why a patta granted by the Assistant Settlement Officer, Madurai should not be cancelled. On enquiry, the patta granted to the petitioner was set aside. However, direction was issued to the Assistant Settlement Officer (South) to consider granting patta to the petitioner under Act 26/63. Pursuant to the said order passed by the third respondent, the Assistant Settlement Officer, Chennai enquired into the matter and granted patta to the petitioner vide order dated 08.05.2003.

6. It is the specific contention of the petitioner that when the said order of the Assistant Settlement Officer (South) Chennai has become final and no appeal was preferred there from under section 12 of Act, it



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was not open to the question the said order of the Assistant Settlement Officer by anybody, including the sixth respondent.

7. In fact, based on the proceedings of the Assistant Settlement Officer, South Chennai, the Tashildar, the eighth respondent has also granted patta to the petitioner which is subsisting and not been recalled till date. However, subsequently, in and by the impugned order dated 20.09.2024 the order of the Settlement Officer, South Chennai has been cancelled by the sixth respondent without any power or jurisdiction, especially, when the earlier proceedings have attained finality. He would therefore seek for the writ petition being allowed.

8. Per contra, Mr.B.Saravanan, learned Additional Government Pleader appearing for the respondents would submit that even as early as on 30.10.2008 patta granted to the petitioner was cancelled by the Sub Collector, Devakottai and further under the provisions of the Forest Conservation Act, 1980, not even the State Government has any power or authority and it is only with the prior approval with the Central Government that any reserved forest or portion thereof can be exempted



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or declared to be ceased to be reserved. He would, therefore, seek for dismissal of the writ petition.

9. However, the learned counsel for the petitioner in reply would submit that the order of cancellation of the petitioner's patta by the order dated 30.10.2008 was subject matter of challenge before this Court in WP(MD)No.2288 of 2009 and this Court after hearing the petitioners therein, including the petitioner herein and the sixth and eighth respondent herein set aside the said impugned order and remitted the matter to the first respondent for fresh consideration. While so, it is not known how the sixth respondent has taken up the mantle of deciding the issue when specifically this Court had directed the first respondent to pass orders after conducting due enquiry. Reference is also made to Section 66 of the Tamil Nadu Estate (Abolition and Conversion into Ryotwari) Act, 1963, which mandates any question raised regarding land in an inam estate being a forest or not, to be determined by the Settlement Officer subject to an appeal to the Director within such time as may be prescribed and also further revision being available to the Board of Revenue which was however subsequently abolished by Tamil



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Nadu Board of Revenue Abolishing Act, 1980. Act 36 of 1980.

Therefore, the competent authority is only the Commissioner of Land Administration, the third respondent in the present writ petition.

10. However, based on the order passed by this Court, the sixth respondent has assumed jurisdiction and proceeded to enquire into the matter and passed the impugned order. Therefore, it cannot be said that the sixth respondent has exceeded jurisdiction and acted without authority since the sixth respondent has only obeyed the orders of this Court, dated 18.12.2017.

11. Be that as it may, under the provisions of the Act as well, there is an appeal remedy available to the third respondent, the Commissioner of Land Administration and therefore, the petitioner is given liberty to approach the third respondent and canvas all his contentions including the finality of the earlier proceedings of the Assistant Settlement Officer, Chennai South, which was never called in question at any point of time.



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12. The writ petition is disposed of with a direction to the petitioner to prefer an appeal before the third respondent within a period of four weeks from the date of receipt of a copy of this order and as and when such appeal is preferred within the said time period of four weeks, the third respondent without putting limitation against the petitioner, shall hear the appeal on merits and in accordance with law, of course, after giving fair opportunity to the petitioner to put forth all his contentions. In the event of the petitioner filing an appeal within the stipulated four weeks, the respondents shall not take any coercive steps till the disposal of the disposal of the appeal by the third respondent. It is needless to state and goes without saying that even till the expiry of the four weeks period, no coercive steps shall be initiated against the petitioners. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
NCC : Yes / No
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P.B. BALAJI, J.

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