



W.A(MD).Nos.654 & 655 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 06.11.2025

PRONOUNCED ON : 11.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A(MD).Nos.654 & 655 of 2020
and
CMP(MD).No.4091 of 2020

Uma Maheswari

....Appellant/ Petitioner
in both appeals

Vs

1.The Additional Chief Secretary /
Commissioner of Land Administration
Chepauk, Chennai 600 005

2.The District Revenue Officer
Madurai District, Madurai

3.The Revenue Divisional Officer
Usilampatti
Madurai District

4.The Tahsildar
Tirumangalam Taluk
Madurai District

.....Respondents/Respondents
in both appeals



W.A(MD).Nos.654 & 655 of 2020

Prayer in WA(MD).No.654 of 2020: Writ Appeal filed under Clause 15 of Letters Patent, to allow the writ appeal and set aside the order passed in WP(MD).No.12245 of 2015 dated 10.06.2019 and allow the writ petition as prayed for.

Prayer in WA(MD).No.655 of 2020: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order passed in Review Petition(MD).No.91 of 2019 in WP(MD).No.12245 of 2015 dated 18.05.2020 and allow the review and consequential writ petition in WP(MD).No.12245 of 2015.

For Appellant : Mr.T.S.R.Venkataramana
Senior Counsel
for M/s.V.Janaki Devi in both appeals

For Respondents : Mr.R.Baskaran
Additional Advocate General
Assisted by
Mr.V.Om Prakash, Government Advocate

COMMON JUDGMENT

(Made by **R.VIJAYAKUMAR,J.**)

The appellant herein had challenged the order of the revenue authorities rejecting her request to change the classification of the land from assessed dry waste to Thaneer Pandal Maniyam and issue ryotwari patta to the petitioner in respect of the land in Survey No.50 to an extent of 9.33 acres situated in Dharmathupatti Village, Uchapatty Panchayat, Tirumangalam



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Taluk, Madurai District in WP(MD).No.12245 of 2015. This writ petition came to be dismissed on 10.06.2019 by a learned Single Judge of this Court.

This writ petitioner had preferred the Review Application (MD).No.91 of 2019 as against the said order. The review application came to be dismissed on 18.05.2020. Challenging these two orders, the present writ appeals have been filed.

2.Since the issue involved in both these writ appeals are intertwined, they are tagged together and a common order is being passed.

(A).Facts leading to the filing of the present writ appeals are as follows:

3.According to the writ petitioner, an extent of 9.33 acres in Survey No.50 of Tharmathupatti Village, Uchapatty Panchayat, Tirumangalam Taluk, Madurai District was originally owned by his forefather namely Palanipandaram. According to the petitioner, the land was given to his forefather namely Kuppusamy @ Thalamuthupillai for rendering Thaneer Pandal Maniyam service. It was contended that the said service is being continued even today. In the Inam Fair Register, the name of his forefather was incorporated. When Tamil Nadu Minor Inam Abolition and Conversion into Ryotwari Act, 1963 (Tamil Nadu Act 30 of 1963) came into force, an individual rendering services was entitled to get ryothwari patta. Since his forefather was an illiterate man, he had not applied for the same in time.



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However, G.O.Ms.No.1300 Revenue Department dated 30.04.1971 provided for grant of patta outside the scope of the Act, if any application was made to the concerned Revenue Divisional Officer.

4. According to the writ petitioner, based upon Tamil Nadu Act 26 of 1948 and Act 30 of 1963 and in the light of the Government Order in G.O.Ms.No.1300 Revenue Department dated 30.04.1971, they had applied before Tahsildar, Tirumangalam on 11.03.2011. The Tahsildar by his proceedings dated 13.07.2012 recommended for grant of patta for an subdivision No.50/2 for an extent of 3.46.0 hectares (excluding 0.31.5 acres in Survey No.50/1) with a condition that it should be recorded in the name of the writ petitioner as Thaneer Pandal Maniyam and she should not alienate or encumber the property. The recommendation of the Tahsildar was not accepted by the Revenue Divisional Officer, Usilampatti and he rejected the said request for grant of patta by his proceedings dated 30.01.2013.

5. The writ petitioner had preferred an appeal before District Revenue Officer, Madurai who confirmed the order of Revenue Divisional Officer, Usilampatti by his proceedings dated 26.07.2013. The petitioner had preferred a revision before the Commissioner of Land Administration. She also confirmed the order of the other revenue officials by her proceedings dated 25.05.2015. Challenging the said order, the petitioner had preferred WP(MD).No.12245 of 2015 which was dismissed by the writ Court on



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10.06.2019. The petitioner had preferred a review petition in Review Petition(MD).No.91 of 2019 and the same was also dismissed on 18.05.2020 granting liberty to the petitioner to approach the competent civil Court to establish her rights. Challenging these two orders, the present writ appeals have been filed.

(B).Submissions of the counsels appearing on either side:

6.The learned Senior Counsel appearing for the appellant/writ petitioner heavily relied upon the recommendation of Tahsildar, Tirumangalam and submitted that the land was classified as Thaneer Pandal Maniyam and his forefather acted as the Manager of the said Maniyam. The Government authorities on their own have wrongly reclassified the same as assessed dry waste during UDR proceedings. A wrong classification cannot confer any right upon the Government, since those endorsements and classification have been made by the Government officials, without notice to the writ petitioner or his ancestors.

7.The learned Senior Counsel further submitted that the Panchayat President at the relevant point of time had trespassed into the property and planted several trees and a cart track has been laid by the Panchayat bisecting the property. The cart track having an extent of 0.31.5 acres was subdivided as Survey No.50/1 and the balance extent of 3.46.0 Hectare of land was sub-divided as Survey No.50/2. According to him, in Survey No.50/2, there



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are about 253 Teak Wook Trees, 320 Tamarind Trees, 15 Neem Trees, 7 Vela Trees and Karuvel Trees are available. There are two Wells and a cement thrashing floor. All these have been created by then Panchayat President who was inimical to the writ petitioner.

8.The learned Senior Counsel appearing for the appellant had further submitted that the records prior to UDR proceedings are in favour of the writ petitioner and in the name of Thaneer Pandal Maniyam. He had further submitted that he had produced registered document of the year 1920, 1924, 1948, 1960 and 1981 to establish the fact that the property has been dealt with by the family. This would clearly establish that the property belongs to the family members and due to illiteracy, patta was not sought for after Tamil Nadu 30 of 1963 was introduced.

9.The learned Senior Counsel relied upon Section 21, Section 42 and Section 44 of Tamil Nadu Act 30 of 1963 and contended that in the case of a Service Inam, unless it is resumed in a manner to law, title could not be erased. He also relied upon the Division Bench Judgment of our High Court reported in **100 LW 721 (Angappa Gounder Vs. Sivamalat Gounder & others)** to impress upon the Court that under Tamil Nadu Act 30 of 1963 vesting of the property in the Government is notional and does not affect the Kudiwaram right lawfully enjoyed or acquired. He had further submitted that vesting contemplated under the said Act is only to enable the Government to



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effect ryothwari settlement and not extinguish the existing rights in an inam land. Therefore, invoking the provisions of the said Act, right, title, interest and possession of the writ petitioner cannot be taken over by the Government by merely mutating the review records behind the back of the writ petitioner.

10.The learned Senior Counsel also relied upon Section 8(2)(i) of Tamil Nadu Act 30 of 1963 and contended that the petitioner is eligible for grant of patta, if not for Survey No.50/1, at least for Survey No.50/2. He had further submitted that the writ Court has wrongly presumed that the petitioner is seeking patta under Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948. However, in the present case, it is an Iruvaram Minor Inam and governed by Tamil Nadu Act 30 of 1963. Therefore, the observation of the writ Court is liable to be set aside.

11.The learned Senior Counsel had further submitted that there is no dispute whatsoever that the name of the petitioner's forefathers were incorporated in the revenue records prior to UDR proceedings. In such circumstances, there is no dispute whatsoever with regard to the title of the writ petitioner. Therefore, the writ Court was not right in directing the petitioner to approach the competent civil Court to establish her title. He had further submitted that there is no delay on the part of the petitioner in approaching the competent authority seeking patta. During review proceedings, the writ Court had not properly appreciated the grounds of



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review. Hence, he prayed for allowing both the writ appeals.

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12.Per contra, the learned Additional Advocate General appearing for the respondents submitted that though the petitioner claims that she is the successor to one Palanipandaram, no records have been produced to establish the same. Only in the said circumstances, the writ Court was constrained to direct the petitioner to approach the competent civil Court to establish her title. He had further submitted that the Commissioner of Land Reforms in her order has categorically pointed out that this is not an UDR mistake, but it has been classified as Assessed Dry Waste even during the settlement proceedings under Tamil Nadu Act 30 of 1963.

13.The learned Additional Advocate General further submitted that the resettlement 'A' Register copy and UDR 'A' Register copy have been examined by the concerned authority and only thereafter, the orders have been passed as against the writ petitioner. He had further submitted that the petitioner was not able to produce any kist receipt after coming into force of Tamil Nadu Act 30 of 1963. He had also pointed out that the documents relied upon by the writ petitioner are prior to Tamil Nadu Act 30 of 1963. When the title is categorically disputed by the authorities, the petitioner has to avail her remedy only before the competent civil Court.

14.The learned Additional Advocate General had further submitted that the writ petitioner's forefather were not entitled to get any patta under Act 30



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of 1963 and therefore, they have not approached the authority during the relevant point of time. He had further submitted that the petitioner has not explained the delay in approaching the authority. He had further submitted that the land in dispute was declared as Assessed Dry Waste even during the settlement proceedings under Tamil Nadu Act 30 of 1963 and only based upon the said classification, the Panchayat President has planted several trees. In fact, the petitioner herself admits that there are several Teak Wood Trees, Neem Trees and Tamarind Trees which would clearly establish that the petitioner has lost possession of the property. She has not categorically stated the date on which she had lost her possession or the date on which the Panchayat President trespassed into the property. Hence, he prayed for sustaining the order passed in the writ petition as well as in the review application.

15.We have considered the submissions made on either side and perused the material records.

(C).Discussion:

16.The writ petitioner has made a representation to the Tahsildar, Tirumangalam on 11.03.2011 seeking patta for an extent of 9.33 acres in Suvey No.50 in Dharmathupatti Village, Thirumangalam Taluk, Madurai primarily on the ground that she is the successor in interest of Palanipandaram. It was further contended that this Thaneer Pandal Maniyam



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was granted in favour of her forefather Kuppusamy @ Thalamuthupillai. No records have been produced to establish the genealogy or line of succession from the said Palanipandaram or Kuppusamy @ Thalamuthupillai.

17.The writ petitioner had referred to Tamil Nadu Act 26 of 1948 in Paragraph Nos.4 and 6 of the writ petition. A reference has also been made with regard to G.O.Ms.No.1300 Revenue Department dated 30.04.1971. A perusal of the said Government Order reveals that it has been issued under Tamil Nadu Act 26 of 1948 and not under Tamil Nadu Act 30 of 1963. Therefore, the petitioner is not very sure about whether she is seeking patta under Tamil Nadu Act 26 of 1948 or under Tamil Nadu Act 30 of 1963 which operate on two different fields.

18.Granted of patta outside the scope of the Act under G.O.Ms.No. 1300 Revenue Department dated 30.04.1971 has been issued only under Tamil Nadu Act 26 of 1948 which provides for grant of patta without any reference to limitation. However, it is the specific contention of the writ petitioner that it is a minor inam covered under Tamil Nadu Act 30 of 1963. Therefore, the claim of the writ petitioner based upon G.O.Ms.No.1300 will not support the case of the writ petitioner.

19.The recommendation of the Tahsildar, Tirumangalam dated 13.07.2012 clearly reveals that Survey No.50 has been sub-divided as Survey No.50/1 which is classified as Cart Track and Survey No.50/2 in which there



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are several Teak Wood Trees, Tamarind Trees, Neem Trees etc., It is the contention of the writ petitioner that the then President had trespassed into the said land and planted these trees. Mentioning of the trees in the report of the Tahsildar would clearly manifest that the writ petitioner had lost possession long back. The petitioner has not spelt out the date on which she had lost possession. The writ petitioner had approached the authority seeking patta only on 11.03.2011. The registered documents which are relied upon by the writ petitioner stop in the year 1961. The petitioner had approached the authority seeking patta only in the year 2011 after 50 years. There is no explanation whatsoever for the delay in approaching the authority seeking patta. The delay coupled with the fact that there are several huge trees in Survey No.50/2 would clearly show that there are laches on the part of the writ petitioner in approaching the authority.

20.The Commissioner of Land Administration has arrived at a specific finding that the petitioner has produced kist receipts only prior to the settlement proceedings under Tamil Nadu Act 30 of 1963. When no kist receipt has been produced after Tamil Nadu Act 30 of 1963, the contention of the petitioner that only during UDR proceedings in the year 1985, the land was wrongfully classified as Assessed Dry Waste is not legally sustainable.

21.The lands have been classified as Assessed Dry Waste even during the settlement proceedings under Tamil Nadu Act 30 of 1963. The



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recommendation of the Tahsildar is based upon an SLR copy of the year 1917

which is much prior to the enforcement of Tamil Nadu Act 30 of 1963.

Therefore, the Appellate as well as the Revisional Authority have rightly rejected the recommendation of the Tahsildar.

22. When there is a serious title dispute, the writ Court had rightly arrived at a finding that the writ petitioner should be relegated to the competent civil Court relying upon the judgment in *Ramalinga Swamigal Mutt* case reported in *1985 (4) SCC 10*. Therefore, there are no grounds to interfere in the order of writ Court.

(D).Conclusion:

23. In view of the above said deliberations, we do not find any merit in the writ appeals. Both the writ appeals are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(C.V.K.J.,)

(R.V.J.,)

11.11.2025.

Index : Yes/No
Internet : Yes/No
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