



W.P.(MD)No.18253 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 24.04.2025

PRONOUNCED ON : 30.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.18253 of 2023

and

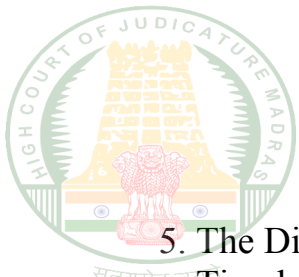
W.M.P(MD)Nos.15218 & 15220 of 2023

D.Sounthararaj

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by its Additional Chief Secretary to Government,
Revenue and Disaster Management Department,
Secretariat,
Chennai 600 009.
2. The Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai 600 005.
3. The Commissioner of Survey and Settlement,
Directorate of Survey and Settlement,
Central Survey Office,
Survey House,
P.W.D. Estate,
Chepauk, Triplicane,
Chennai 600 005.
4. The District Collector,
Tiruchirappalli District,
Tiruchirappalli.



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5. The District Revenue Officer,
Tiruchirapalli District,
Tiruchirapalli

6. The Revenue Divisional Officer,
Tiruchirapalli,
Tiruchirapalli District

7. The Tahsildar,
Taluk Office,
Tiruverumbur Taluk,
Tiruchirapalli District.

8. The District Registrar,
District Registrar's Office,
Registration Department,
Court Campus,
Tiruchirapalli.

9. Electronic Corporation of Tamil Nadu (ELCOT),
Represented by its Managing Director,
II Floor, MHU Complex,
692, Anna Salai,
Nandanam,
Chennai 600 035.

10. The Authorized Officer,
Electronic Corporation of Tamilnadu (ELCOT),
Integrated Information Technology Park,
Special Economic Zone,
Navalpattu,
Tiruchirappalli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order passed by the 5th respondent in Na.Ka.No.Aa2/23675/2016, dated 26.06.2023 and quash the same as illegal and consequently



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direct the Respondents 1 to 7 to issue patta to the petitioner land in S.No.310/9 in Navalpattu Village, Thiruverumbur Taluk, Tiruchirapalli District to an extent of 3 Acres and to take appropriate legal actions against the officers concerned for having sold the petitioner land to the 9th and 10th Respondents in the year 2007 without acquiring the petitioner land in the manner known to law within a time frame that may be fixed by this Court.

For Petitioner : Mr.Niranjan S.Kumar
for Mr.G.kannan

For R1 – R8 : Mr.J.Ravindran
Additional Advocate General
assisted by Mr.B.Saravanan
Additional Government Pleader

For R9 & R10 : Mr.Vijayan
for M/s.King and Patridge

ORDER

This writ petition has been filed challenging the order of the 5th respondent, dated 26.06.2023 and consequently to direct the respondents to issue patta to the petitioner in respect of Survey No.310/9 Navalpatti Village, Thiruverumbur Taluk, Tiruchirapalli District and also take legal action against the officers concerned for having sold the petitioner's land to 9th and 10th respondents in the year 2007 without acquiring the petitioner's land in a manner known to law.



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WEB COP 2. Heard the learned counsel for the parties.

3. Though the respondents 9 and 10, namely ELCOT and its authorized officers were impleaded in the writ petition, by order, dated 12.02.2025, in view of the petitioner stating that he has no claim against the ELCOT, the same was recorded and this writ petition as against the respondents 9 and 10 was not pressed.

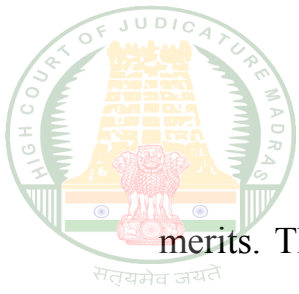
4. The learned counsel for the petitioner would contend that the lands comprised in Survey No.310/9, Navalpatti Village, Thiruverumbur Taluk, (Originally Trichy District) to an extent of 3 acres was assigned in favour of one Saroja w/o Nagalingam, by proceedings of the Special Tahsildar dated 25.10.1983 and subsequently patta was also issued to the said Saroja on 27.09.2000. The revenue records were also mutated in her name. The petitioner has purchased the said property from the said Saroja, in and by registered sale deed, dated 25.02.2002 in Document No.1353/2002. The petitioner has made an application for transfer of patta in his name based on the said sale deed. The petitioner filed W.P(MD)No.14013 of 2014 seeking issuance of writ of



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mandamus to pass orders on his application for patta. This Court, by an order, dated 25.08.2014 directed the revenue officials to issue fresh notice to the petitioner and other co-pattadhars and pass final orders on merits and in accordance with law. The petitioner was also constrained to file a suit in O.S.No.1405 of 2016 for declaration and permanent injunction on the file of I Additional Sub Judge, Tiruchirapalli. The said suit was decreed in favour of the petitioner by judgment and decree, dated 30.08.2018. According to the learned counsel for the petitioner, the said decree has become final that the respondents preferred no appeal therefrom.

5. Subsequent to the decree passed in the petitioner's favour, he approached the 4th and respondents for issuance of patta in the petitioner's name. According to the petitioner, the 5th respondent directed the 7th respondent to conduct enquiry and file a report. Despite several representations given by the petitioner and also the directions of the respondents 4 and 5, the 7th respondent did not take any action. Therefore, the petitioner preferred one more writ petition in W.P(MD)No.27480 of 2022 and this Court by order, dated 20.01.2023, directed the District Revenue Officer to test the claim of the petitioner independently and conduct proper enquiry and pass final orders on



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merits. Thereafter, the petitioner has once again approached the 5th respondent on 17.02.2023 and submitted a detailed representation. The 5th respondent however has passed the order which is impugned in the present writ petition. The learned counsel for the petitioner would submit that the original assignment was to an extent of 3 acres in Survey No.310/9. However, the lands in Survey No.310/1 measuring 850.90 acres of unassessed punja lands was further subdivided and assigned by the revenue department for various purposes. Even the Assistant Settlement Officer, Thanjavur in his proceedings, dated 02.09.1998 had called upon the then Tahsildar, Tiruchirapalli to take action with regard to the necessary corrections in S.F.No.310/2 and annexed the correction sketch. According to the petitioner, even in the said correction sketch, the petitioner's vendor's name was found and subsequently, in and by proceedings, dated 04.03.2002, the Tahsildar cancelled all the subdivisions on the ground that the Assistant Settlement Officer, Thanjavur had not made any such request or issued such directions and that the said letter, dated 02.09.1998 was likely to be a fake document. Subsequently, the Revenue Divisional Officer, Trichy by letter, dated 27.04.2015 requested the Assistant Settlement Officer to give a genuineness certificate regarding the proceedings dated 02.09.1998. A reply was given to the effect that the records were not available



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in their office. According to the learned counsel for the petitioner, up to the date of passing of the impugned order by the 5th respondent on 26.06.2023, the lands had been mutated only in the name of the petitioner's vendor and all of a sudden, the said patta has been cancelled. The learned counsel for the petitioner would therefore submit that at this distant point of time, it would be highly unjust for the respondents to cancel the patta citing that the letter of the Assistant Settlement Officer, Thanjavur dated 02.09.1998 was not genuine.

6. The learned counsel for the petitioner relied on the decisions of this Court in *W.A(MD)No.1534 of 2023 (The Commissioner of Land Administration & Others Vs. K.S.Jarina)*, *W.P.No.11836 of 2010 (Seriya Pushpam Vs. The Special Commissioner and Commissioner for Land Administration)* and *W.A(MD)Nos.1201 & 1588 of 2019 (The District Collector & Others Vs. Gunasundari & Others)*.

7. Per contra, the learned Additional Advocate General would contend that as per the FMB and 'A' Register, the lands were originally assigned Survey No.310/1. Though during updating Registry scheme, the lands in Survey No. 310/2 were subdivided and included in 'A' Register, Assistant Settlement



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Officer by letter, dated 02.09.1998 issued a correction slip, based on which

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subdivisions were effected and written in manuscript. However, subsequently, it has been struck down by the Tahsildar's proceedings, dated 04.03.2002 since it was realized that the correction slip was a fraudulent document and never issued by the Assistant Settlement Officer. He would therefore submit that the petitioner's purchase of lands alleged to be in Sub Division 310/9 is without any basis whatsoever. He would however contend that based on the request of the Government, the Collector, Tiruchirapalli has subdivided Survey No.310/1 into 310/10, 310/12, 310/13, 310/14 and 310/17 and allotted to ELCOT, 9th respondent in the writ petition. As regards the suit in O.S.No.1405 of 2016, the learned Additional Advocate General would submit that it was an ex parte decree and this Court while directing the revenue authorities to consider the petitioner's application for patta, had clearly observed that the District Revenue Officer would test the claim of the writ petitioner independently without being swayed by the ex parte decree in favour of the writ petitioner. Therefore, the learned Additional Advocate General would submit that the impugned order has been passed on merits, after affording a fair opportunity to the petitioner and also after field inspection conducted by the 5th respondent. Consequently, the learned Additional Advocate General submits that the impugned order is well



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considered and well merited order requiring no interference.

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8. The claim of the petitioner is that he has purchased lands measuring 3 acres in Survey No.310/9 from one Saroja, the original assignee from the Government. The said assignment was acted upon by the respondents by issuing patta in favour of the said assignee Saroja even as early as on 27.09.2000. The assignment itself was much earlier in the year 1983. Absolutely, no steps were taken by the respondents to recall or cancel the assignment or the patta issued to the petitioner's vendor, Saroja, at any point of time. It was only after the petitioner made an application for issuance of patta and also approached this Court for his application to be disposed of, that the respondents have woken up and proceeded to reject the petitioner's request citing the reason that Survey No. 310/9 was effected as a result and consequence of a fake letter of the Assistant Settlement Officer. The respondents cannot take advantage of their own entries drawn up manually, mentioning the sub division numbers. It is not the case of the respondents that it is handiwork of the petitioner. In fact, the petitioner was not even in the scene when the assignment was issued to the vendor in the year 1983 and subsequently patta was issued in the year 2000. At no point of time, the assignment or patta to the petitioner's vendor was doubted by any of the



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respondents. It is yet another fact that the petitioner has filed a suit in O.S.No.

1405 of 2016 and the said suit has been decreed in favour of the petitioner.

Even though this Court directed the District Revenue Officer to independently test the claim of the petitioner, this Court never said that the decree can be effaced altogether. This Court only meant that merely because the petitioner had obtained an ex parte decree, that alone should not be weighed to issue patta in favour of the petitioner.

9. Yet another circumstance in favour of the petitioner is that even in the present proceedings, there is nothing concrete to indicate that the letter of the Assistant Settlement Officer, dated 02.09.1998 is a forged or fabricated document. When such an enquiry was attempted by the officials, the response was only that the records were not available in the said office. I can understand that if a positive reply had been given stating that the letter is a fabricated document or a forged document and that it has not been issued by the Assistant Settlement Officer, then things can be interpreted differently. Merely because the respondents are not in a position to trace the relevant records, there can be no adverse inference drawn against the petitioner to deny him patta, especially when the petitioner's vendor was issued with an assignment order and patta way



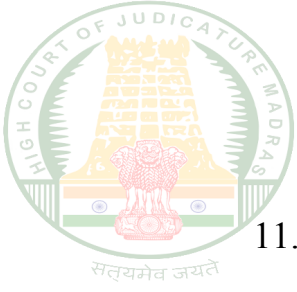
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back in the year 1983 and 2000 respectively, which is admitted to by the

WEB respondents.

10. Therefore, in the light of the above, I am constrained to interfere with the belated exercise of cancellation of the patta in favour of the said Saroja, especially when she had already alienated the property in favour of the petitioner and also was dead and gone on the date of order being passed by the 5th respondent. This Court, with regard to the decisions relied by the learned counsel for the petitioner, has consistently held that an order of assignment cannot be cancelled belatedly, even if there was a claim of violation or breach of assignment conditions, when action was sought to be initiated after several decades or lapse of several years.

11. For all these reasons, this writ petition is partly allowed and the impugned order passed by the 5th respondent is set aside. The 7th respondent shall effect transfer of patta from the name of Saroja to the writ petitioner, within a period of four (4) weeks from the date of receipt of copy of this order.



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11. This Writ Petition stands partly allowed with the above directions. No

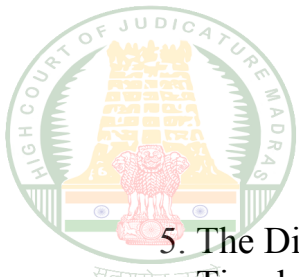
costs. Consequently, connected Miscellaneous Petitions are closed.

30.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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To:

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Revenue and Disaster Management Department,
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2. The Commissioner of Land Administration,
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P.B.BALAJI, J.

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