



W.P.(MD)No.28099 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :16.09.2025

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.28099 of 2024

1. D. Pradeep

2. S.Duraisingam

... Petitioners

Vs.

1. The Commissioner of Land Administration,
the Government of Land Administration,
2nd Floor, Chennai.

2. The District Collector,
Sivagangai District,
Sivagangai.

3. The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in NA.KA.C5/14825/2021 dated 30.04.2024 on the file of the respondent no. 1 and quash the same as illegal and consequently for a direction, directing the 1st and 2nd respondent to issue patta in the name of the petitioners.



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For Petitioners :Ms.B.Bhuvaneshvari
for M/s. Ganesan Legist Law Firm
For Respondents :Mr.M.Ajmal Khan
assisted by Mr.M.Muthumanikkam
Governance Advocate

ORDER

The petitioners assert title in respect of 4.37 hectares in Survey No.401/1 on the basis of sale deeds dated 13.10.2010. They submitted representation dated 21.06.2023 to the respondents herein seeking issuance of patta by also relying upon order dated 12.01.2009 of the Revenue Divisional Officer. Pursuant to order dated 09.10.2023 in WP(MD) No.2437 of 2023, the request of the petitioner was rejected by the impugned order of the second respondent.

2. The contentions of learned counsel for the petitioners may be summarised as under:

(i) As per the certificate issued by the District Forest Officer, Sivagangai, the forest area in Survey No.401/1 is of an extent of 122.75 acres. The total extent in the said survey number is 56.57.5 hectares, which is equivalent to 148.59 acres.



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(ii) Therefore, the predecessor in interest of the petitioners, namely, Udayappachettiar, had applied to the Revenue Divisional Officer for grant of patta. By order dated 12.01.2009, directions were issued for the issuance of patta to Udayappachettiar in respect of 4.37 hectares in Survey No. 401/1. The said order has attained finality.

(ii) Merely on the ground that the petitioners had not appealed within the time limit fixed in G.O.(Ms.) No.714 [CT & RE] Department dated 29.06.1987, the District Collector rejected the request for patta.

(iii) Even in the subsequent communication dated 19.03.2025 from the District Forest Officer to the District Collector, the extent of reserved forest land in Survey No.401/1 is specified as 122.75 acres and not 148.59 acres.

(iv) As *bona fide* purchasers for valuable consideration, the petitioners are entitled to the grant of patta.

3. In response to these contentions, learned Additional Advocate General submitted as follows:

(i) The lands in Survey No. 401/1 admeasuring 56.57.5 hectares were notified under the Tamil Nadu Estates (Abolition and Conversion into Ryotwari] Act of 1948 (Act 26 of 1948) and final orders were



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passed.
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(ii) Muthiah Chettiar, predecessor in interest of the petitioners, did not approach the Assistant Settlement Officer or the Settlement Officer for issuance of a ryotwari patta under the above mentioned enactment.

(iii) G.O.(Ms.) No.714 was issued for fixing a time limit for seeking such ryotwari patta. In W.A.No.96 of 2015, by judgment dated 09.02.2016, the Division Bench of this Court upheld the time limit fixed in G.O.(Ms.) No.714 and concluded that no interference is warranted with the order of the learned Single Judge rejecting the writ petition and upholding the order of the first respondent therein. The said order was carried by way of Special Leave Petition before the Supreme Court, but such Special Leave Petition was rejected.

(iv) The extract of the settlement register shows that the entire extent of land in Survey No. 401 was taken over under Section 1(4) of Act 26 of 1948.

(v) The Revenue Divisional Officer lacked jurisdiction to issue order dated 12.01.2009 directing issuance of patta to Udayappachettiar. Therefore, the said order is a nullity and will not enure to the benefit of the petitioners herein.



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(vi) In communication dated 19.03.2025 from the District Forest Officer, it is stated that 122.75 acres is classified as 'Reserved Forest Land', whereas the entire extent of 148.59 acres is classified as 'Forest', and that necessary steps would be taken to classify the remaining extent in Survey No. 401/1 as 'Reserved Forest'. In *T.N.Godavarman Thirumalpad v. Union of India and others*, Writ Petition (Civil) No.202 of 1995, the Supreme Court clarified that forest land includes any area recorded as forest in the Government record and is not confined to reserved forest land.

4. From the averments in the counter-affidavit of the second respondent read with the extract of the settlement register, it is evident that the lands in Survey No.401 were taken over under Section 1(4) of Act 26 of 1948. The said enactment enables persons in long occupation of such lands to apply for a ryotwari patta before the Assistant Settlement Officer. The enactment also provides for appellate remedies. According to the petitioners, Muthiah Chettiar purchased the land under a sale deed executed in 1941. The above-mentioned enactment and proceedings thereunder were subsequent thereto. There is no evidence on record that Muthiah Chettiar or his son Udayappachettiar, who was the petitioners'



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vendor, initiated action under Act 26 of 1948 for issuance of a ryotwari patta in his favour.

5. Instead, it appears that the said Udayappachettiar approached the Revenue Divisional Officer who issued order dated 12.01.2009. In view of the express stipulations in Act 26 of 1948 in respect of the grant of ryotwari pattas, the Revenue Divisional Officer lacked subject matter jurisdiction to issue directions for grant of patta to Udayappachettiar. Since such order was issued without subject matter jurisdiction, the order is a nullity. Therefore, the benefit of the order will not enure to the petitioners herein.

6. The impugned order refers to and relies upon G.O.(Ms.) No.714. The said Government Order fixes a time limit for parties to appeal and seek ryotwari pattas. As pointed out by learned Additional Advocate General, the time limit fixed in such order was the subject of W.A.No.96 of 2015. The Court has refused to interfere with an order rejecting an appeal as being read under the said Government Order. In these facts and circumstances, the District Collector cannot be faulted for rejecting the petitioners' request for patta.



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7. Hence, the relief requested in this writ petition cannot be granted. Therefore, the writ petition is dismissed by leaving it open to the petitioners to work out remedies in accordance with law either against their vendor or otherwise. No costs.

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(2/2)

NCC :No
Internet :Yes
Index :No
PKN

To

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SENTHILKUMAR RAMAMOORTHY, J.

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