

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2015

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.25360 of 2014 &
M.P.No.1 of 2014

M.V.Parvathiammal

.. Petitioner

v.

1.Special Commissioner and
Commissioner for Land Reforms
Ezhilagam, Chepauk
Chennai 600 005.

2.Assistant Commissioner [Land Reforms]
Erode.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the Assistant Commissioner(Land Reforms) Erode the second respondent herein to conduct the enquiry and pass appropriate orders as for section 10(5) and other subsequent provisions of the Tamilnadu Land Reforms (Fixation of Ceiling on land) Act 58 of 1961 as amended by Act 17 of 1970 pursuant to the directions issued by the Honourable Tamil Nadu Land Reforms Special Appellate Tribunal Santhome Chennai 4 in Special Revision Petition No.81 of 1992 dated 17.9.1998 .

For Petitioner : Mr.N.Damodaran

For Respondents : Mr.S.Gunasekaran, Govt.Advocate

सत्यमेव जयते
ORDER

This writ petition has been filed seeking a direction to the Assistant Commissioner (Land Reforms) Erode, the second respondent herein to conduct the enquiry and pass appropriate orders as per section 10(5) and other subsequent provisions of the Tamilnadu Land Reforms (Fixation of Ceiling on land) Act 58 of 1961 as amended by Act 17 of 1970 pursuant to the directions issued by the Honourable Tamil Nadu Land Reforms Special Appellate Tribunal Santhome Chennai 4 in Special Revision Petition No.81 of 1992 dated 17.9.1998.

2. The petitioner had filed a revision petition before the Tamil Nadu Land Reforms Special Appellate Tribunal, Santhome, Chennai in Special Revision Petition No.81 of 1992 to set aside the

notification relating to G.O.Ms.No.643, Revenue, dated 24.03.1991 insofar as the land situated in S.No.192/1A1 B to an extent of 9.05 acres which was declared as surplus land of late Rengasamy Gounder represented by wife Ponnammal and the orders of the Land Commissioner, Chennai dated 03.06.1992. The revision petition was disposed of by order dated 17.09.1998 and the operative portion of the order reads as follows:

"In these circumstances, the notification of the Government under Section 18(1) of the Act dated 24.03.1991 the final statement dated 09.01.1991 and the Section 10(5) orders dated 25.08.1989 are set aside. The matter is remanded to the Authorised Officer for fresh disposal after giving effect to the various orders of this Tribunal and the High Court. The Authorised Officer shall hear all the interested persons before passing the fresh orders under Section 10 (5). Selection of surplus lands shall be decided after giving notice to the petitioner. With these observations SRP.81/92 is allowed. However, liberty is given to the authorities to take fresh action under Act 11/1996, if deemed fit."

3. In terms of the above direction, the second respondent, namely the Authorised Officer issued notice to the petitioner on 18.11.1999 to appear in person so as to conduct enquiry in terms of the directions issued by the Tribunal. It appears that the petitioner has responded to the hearing notice and appeared before the Authorised Officer. Thereafter, for all these years nothing has happened despite several representations made by the petitioner.

4. In the light of the above, there will be a direction to the second respondent who is the Authorised Officer, to issue fresh notice to the petitioner within a period of three weeks from the date of receipt of a copy of this order and thereafter, after hearing the petitioner in person, pass orders on merits and in accordance with law within a period of two months.

Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.
gms

-s/d-
Assistant Registrar(CS-III)
Dt:23/2/2015

True Copy

Sub-Assistant Registrar

To

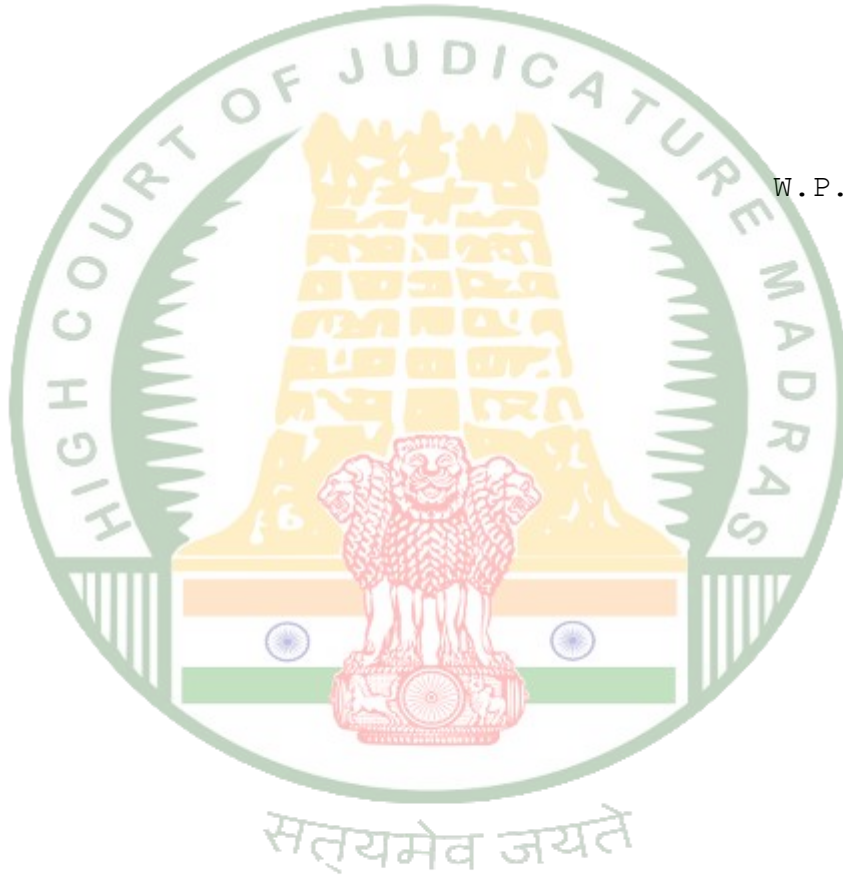
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Commissioner for Land Reforms
Ezhilagam, Chepauk
Chennai 600 005.

2.Assistant Commissioner [Land Reforms]
Erode.

+ 1 cc to Govt. Pleader SR 7874

rsy(co)
prk24/2

W.P.No.25360 of 2014



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