

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2015

CORAM :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition Nos.39815, 39816 and 39818 of 2015

1.E.S.Santhamani
2.Nacharammal
3.V.Sivakumar
4.D.Venkateswaran
5.V.Maragathavalli

...Petitioners in WP.No.
39815 of 2015

1.Neelaveni
2.V.Gandhimathi

...Petitioners in WP.No.
39816 of 2015

P.Sudha Parthiban

...Petitioner in WP.No.
39818 of 2015

Vs

1.The Land Commissioner, Chepauk,
Chennai-5.

2.The Assistant Commissioner (Land
Reforms), Erode.

3.The Revenue Divisional Officer,
Coimbatore Town, Coimbatore Dist.

...Respondents in all the
WPs

PETITIONS under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus (i) directing the third respondent to pass appropriate orders pursuant to the order of remand passed by the second respondent in Rc.D1/Rp.No.10/12 to 13/12 (L.Ref) dated 16.4.2013 by entering the name of the petitioners in the revenue records in respect of the land in S.Nos.395 to an extent of 4.03 acres and 394 to an extent of 2 acres, Kalangal Village, Sulur Taluk, Coimbatore District respectively within a time frame to be fixed by this Court (ii) directing the third respondent to pass appropriate orders pursuant to the order of remand passed by the second respondent in D1/R.P.5/13 (L.Ref) dated 29.6.2013 by entering the name of the petitioners in the revenue records in respect of the land in S.Nos.394 to an extent of 1.43 acres and 389 to an extent of 57 cents, Kalangal Village, Sulur Taluk, Coimbatore

District respectively within a time frame to be fixed by this Court and (iii) directing the third respondent to pass appropriate orders pursuant to the order of remand passed by the first respondent in D1/ R.P.4/13 (L.Ref) dated 3.7.2013 by entering the name of the petitioner in the revenue records in respect of the land in S.No.389 (389/1 & 2) to an extent of 2 acres, Kalangal Village, Sulur Taluk, Coimbatore District within a time frame to be fixed by this Court.

For Petitioners : Mr.G.Sankaran

For Respondents : Mr.R.Lakshminarayanan, AGP

COMMON ORDER

Mr.R.Lakshminarayanan, learned Additional Government Pleader takes notice for the respondents. Heard the learned counsel for the petitioners. By consent, the writ petitions are taken up for final disposal.

2. The petitioners seek a direction to the third respondent for mutation in the revenue records after conducting an enquiry in pursuance of the orders of remand respectively dated 16.4.2013, 29.6.2013 and 3.7.2013 passed by the first respondent. The first respondent, in exercise of the revisional powers conferred under the provisions of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, as amended by Act 17 of 1970, allowed the revision petitions and directed the Assistant Commissioner (Land Reforms), Erode to pass orders duly complying with the provisions of Section 23(2) of the said Act after affording a reasonable opportunity to all the interested persons and propose necessary amendments to the final settlement under Section 12 of the said Act and the Notification under Section 18(1) of the said Act.

3. Further, the Assistant Commissioner (Land Reforms), Erode was directed to make subdivision of lands as per the Rules, if necessary. In the light of the directions issued by first respondent, the assignments of already declared lands were directed to be kept in abeyance till the revised Notification under Section 18(1) of the said Act is issued.

4. Though such a direction was issued to the second respondent, the learned counsel for the petitioners submitted that the post of the Assistant Commissioner (Land Reforms) has since been abolished as on date and the Government, by G.O.Ms.No.34 Revenue Department dated 14.1.2015, conferred such powers on the Revenue Divisional Officers concerned.

5. The learned Additional Government Pleader submits that the third respondent may be granted a reasonable time to pass orders in accordance with the direction issued by the first

respondent, since it is not known as to whether the files have been received in the office of the third respondent.

6. The learned counsel for the petitioners asserts that the files have now been forwarded to the third respondent.

7. In the light of the above, without going into the merits of the claims, the writ petitions are disposed of with a direction to the third respondent to pass orders as per the directions issued by the first respondent dated 16.4.2013, 29.6.2013 and 3.7.2013 respectively and after issuing notice to all concerned, within a period of four months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

- 1.The Land Commissioner, Chempauk, Chennai-5.
- 2.The Assistant Commissioner (Land Reforms), Erode.
- 3.The Revenue Divisional Officer, Coimbatore Town,
Coimbatore Dist.

+ 1 cc to Government Pleader Sr.68274
+ 2 ccs to Mr.G. Sankaran, Advocate Sr.68073

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RSY(CO)
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