

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.4.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND

THE HONOURABLE Dr.JUSTICE S.VIMALA

W.A.No.390 of 2017

A.Rethinam

...Appellant

Versus

1. The Land Commissioner
(Under the Land Reforms Act),
Ezhilagam, Chepauk,
Chennai 600 005.
 2. The Joint Land Commissioner,
(Under the Land Reforms Act),
Mayiladuthurai,
Nagapattinam District 609 001.
 3. The Revenue Divisional Officer,
Thiruvavur, Thiruvavur District.
 4. The Tahsildar,
Valangaiman, Thiruvavur District.
 5. K.Singaravelu Udaiyar
 6. K.Kalyanasundara Udaiyar
(Dismissed vide Court order
dated 12.6.2012 by this court)
- ...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 19.1.2016 passed in which was filed under Article 226 of the Constitution of India for a writ of certiorari filed mandamus calling of the records from the second respondent relating to his order hearing No.M.R.1/15-K/37/72/Valangai/A2 dated 10.08.2011 and quash the same and consequently direct the respondents 1 to 4 to execute the sale deed to the petitioner for the land of 30 Cents in S.No.101/5 in Narthangudi Village, Valangaiman Taluk, Thiruvavur District assigned under A.O.No.4330 dated 14.10.1991 and award costs. W.P.No.20580 of 2011 on the file of this court.

For appellant : Mr.S.Ayyathurai
For R1 to R4 : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader
For R5 : Mr.N.S.Russo

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the petitioner, Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, who takes notice for respondents 1 to 4 and Mr.N.S.Russo, learned counsel appearing for the fifth respondent/caveator.

2. It appears that after the lands in question has been acquired from respondents 5 and 6 under the Tamil Nadu Land Reforms Act (Fixation of Ceiling on Land) Act, 1961, it was said to have been allotted to the persons including the petitioner and in such a way, initially, the petitioner was allotted a portion of land and subsequently, on clarification of the position that the lands acquired, belongs to a family trust and hence, the assignment made in favour of the petitioner becomes infructuous. This factual position has been considered by the learned Single Judge while passing the order. However, the grievance of the appellants/petitioners is that this order, has been passed by the learned Single Judge, without giving them liberty and without hearing them.

3. If that be the stand of the appellant/petitioner, it is for the petitioner/appellant to approach the learned Single Judge by filing a review petition to clarify as to whether the petitioner is a beneficiary of the allotment of excess land, whether he has been allotted a land originally and the whether the subsequent cancellation of assignment is legally valid in the eye of law. Accordingly, this writ appeal is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssk.

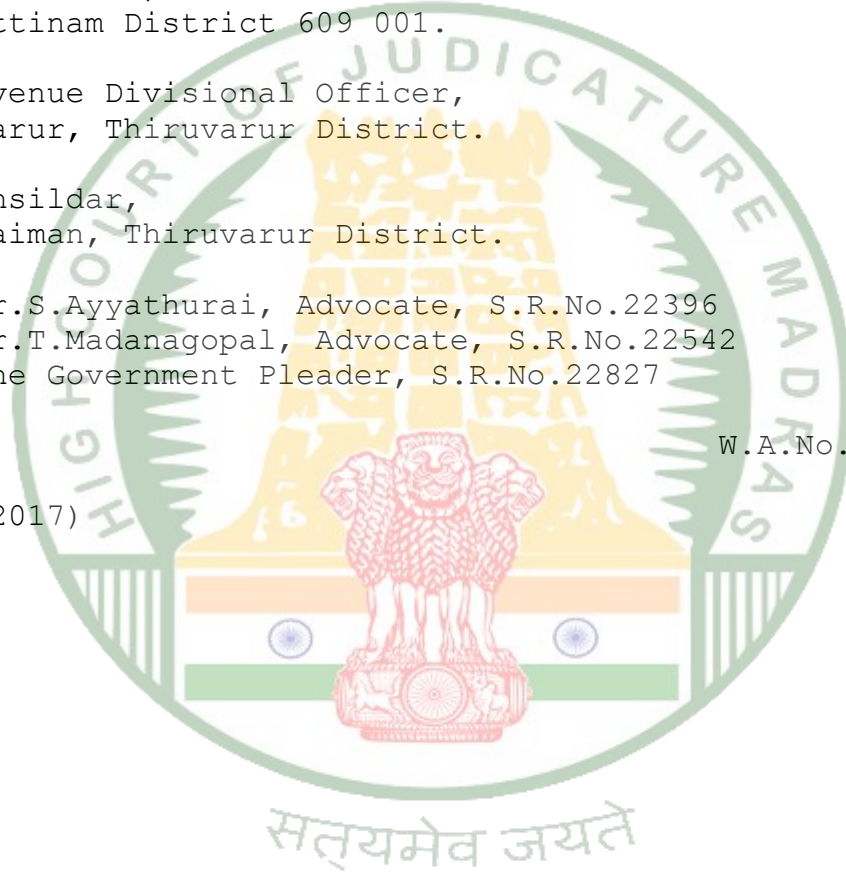
To:

1. The Land Commissioner
(Under the Land Reforms Act),
Ezhilagam, Chepauk,
Chennai 600 005.
2. The Joint Land Commissioner,
(Under the Land Reforms Act),
Mayiladuthurai,
Nagapattinam District 609 001.
3. The Revenue Divisional Officer,
Thiruvapur, Thiruvapur District.
4. The Tahsildar,
Valangaiman, Thiruvapur District.

+lcc to Mr.S.Ayyathurai, Advocate, S.R.No.22396
+lcc to Mr.T.Madanagopal, Advocate, S.R.No.22542
+lcc to the Government Pleader, S.R.No.22827

W.A.No.390 of 2017

KS(CO)
RS(11/05/2017)



WEB COPY