

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.22316 of 2009

1. Ranganathan
2. Ettiyan
3. Mangalakshmi
4. Dhanam
5. Murugesan
6. Kanagavalli
7. Anjalai

... Petitioners

Vs.

1. Government of Puducherry,
Represented by its Secretary,
Land Revenue Department,
Puducherry.
2. Commissioner - Land Reforms,
Government of Puducherry,
Puducherry.
3. Sub Collector (Revenue - south),
Government of Puducherry,
Villianur, Puducherry.
4. Mr.Shanmugam
5. Mr.Narayanan

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent culminating in order No.2748/DCRS/LR/C1/2007 dated 04.12.2008 quash the same and direct the respondents to put the petitioner in possession of the lands assigned to them respectively in R.S.Nos.13/2, 13/4, 13/5, 13/6, 13/7, 13/8 & 13/9 in Manapet Revenue Village, Puducherry.

For Petitioners	:	Mr.K.Balakrishnan
For Respondent	:	Mr.A.V.Ramalingam, Additional Government Pleader for R1 to R3 Mr.D.Ravichander for R4 Mr.R.Bharanidharan for R5

O R D E R

This writ petition has been filed seeking for Certiorarified Mandamus to call for the records of the 3rd respondent culminating in order No.2748/DCRS/LR/C1/2007 dated 04.12.2008 and quash the same and consequentially seeking for a direction to the respondents to put the petitioner in possession of the lands assigned to them respectively in R.S.Nos.13/2, 13/4, 13/5, 13/6, 13/7, 13/8 & 13/9 in Manapet Revenue Village, Puducherry.

2. The facts leading to the filing of this writ petition is briefly narrated hereunder :-

(a) The Authorised officer, Land reforms had initiated land reforms proceedings to acquire the surplus holdings from the erst while land owners Thiru. Tanappa Diagou and Jaganour Diagou in respect of the land owned by them in Manapet Village, Puducherry. After completing the due procedures, the Authorised officer had published final settlement under Section 11 of the Act and subsequently, issued notification under Section 17(1) of the Act, notifying that the land bearing Cad. Nos. 17 bis/1/2/2 to Manapet village in the name of Tanappa Diagou to an extent of 0-95-50 Ha and Cad Nos.17bis/1/2/1 to an extent of 0.23.75 was required for the public purpose and the same was published in the Extra Ordinary Gazette Nos.394 & 395 dated 17.08.1976.

(b) The petitioners states that the Authorised officer invited applications from the eligible persons for assignment of surplus lands as per Rule 56 of Pondicherry Land Reforms (Fixation of ceiling on land, compensation for and disposal of surplus lands) Rules, 1975. The Authorized officer after considering the claims of the petitioners, had passed an order of assignment and sent notices in Form 39 to the assignees.

(c) While that being so, one Thiru.Shanmugam S/o.Krishna Kavundar and Thiru.Abimannan S/o.Perumal Kavundar of Kattukuppam Village appear to have filed an application before the Authorized Officer under Rule 24(1) of the Pondicherry Land Reforms (Fixation of Ceiling on Land, Compensation for and Disposal of Surplus Lands bearing R.S.No.13 correlating to Cad No.17/1/2 and 17/1/2 bis of Manapet Revenue Village as tenants for a long time before the same was taken over by the Government and Authorised officer rejected the claim by an order dated 12.10.1976, for which, they preferred the Appeal before the Land Commissioner and the Land Commissioner vide order dated 24.07.1979 had remanded the matter for fresh enquiry on the ground that the Authorised officer has failed to record the deposition and to conduct local enquiry as per rule 24(3) & (4)

of the Pondicherry Land Reforms (Fixation of Ceiling on Land, Compensation for and Disposal of Surplus Lands) Rules 1975.

[d) The authorized officer appears to have conducted detailed enquiry among the village people and confirmed that the 4th and 5th respondent herein were the cultivating tenants and issued orders to continue in possession of the land as lessee under the Government vide order dated 14.12.2008.

[e] Challenging the said order to be illegal and arbitrary, the petitioners filed this writ petition.

3. The learned counsel for the petitioner submitted that originally the surplus lands were assigned to the petitioners. Since, The Tahsildhar sent a report dated 23.09.2019 and conducted an enquiry and found that some of the persons were in occupation of the said lands. The learned counsel further submitted that it would be suffice if a direction is given to the 3rd respondent to conclude the process which was initiated in the year 1976 and the same can be done within the time stipulated by this Court.

4. The learned counsel appearing for the respondents 1 to 3 would submit that appropriate orders will be passed in the process of assignment in favour of the petitioners. The learned counsel further submitted that till date the assignment order could not be completed since the tenants is in occupation of the premises and continuously enjoying the said lands and appropriate action will be taken under the Land Reforms Act.

5. The learned counsel appearing for the 4th and 5th respondent submitted that they are cultivable tenants for a long period of time and they took possession of the lands as lessees in accordance with the Act and Rules and submitted that the order issued by the Authorized Officer is within the jurisdiction and in accordance with law and hence, prays for dismissal of this writ petition.

6. Considering the facts and circumstances of the case and also of the fact that the petitioners were participated in the assignment process and they were issued with Form 39 and still the assignment process was not concluded by the Authorities, this Court is of the view that the impugned order No.2748/DCRS/LR/C1/2007 dated 04.12.2008 is hereby set aside and the 3rd respondent is directed to conclude the land reform proceedings as expeditiously as possible, after issuing notice to the private respondents.

7. With the above observations, this writ petition is disposed of. No costs.

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary, Government of Puducherry,
Land Revenue Department,
Puducherry.

2. Commissioner - Land Reforms,
Government of Puducherry,
Puducherry.

3. Sub Collector (Revenue - south),
Government of Puducherry,
Villianur, Puducherry.

+1 CC to Mr.K.Balakrishnan, Advocate sr 92098.

+1 CC to Mr.R.Bharanidharan, Advocate sr 92087

+1 CC to Govt. Pleader sr 92142.

W.P.No.22316 of 2019

CP (CO)

SP (18/11/2019)

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