

W.M.P.Nos.3288 & 3299 of 2019
in
W.P.Nos.12367 & 12368 of 2016

T.S.SIVAGNANAM, J.

These writ miscellaneous petitions have been filed to amend the prayers in the above writ petitions by challenging an order passed in the year 1993 by the authorities under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (hereinafter referred to as "the Land Reforms Act").

2.According to the petitioner, he was not aware of the proceedings and the petitioner had been bequeathed the subject properties by his grandfather and grandmother, who had executed registered Wills in the year 2005 and after the demise of his grandfather (Kandasamy Gounder) and grandmother (Palanathal), pattas were issued in the name of the petitioner on 18.04.2012. Therefore, it is submitted that now, for the first time, when the petitioner is confronted with an order passed by the land reforms authority, he should be permitted to amend the prayers and also seeks to quash the same.

3.This prayer cannot be acceded to for the simple reason that the petitioner's grandfather and grandmother filed suits in O.S.Nos.125 & 126 of 1995 respectively on the file of District Civil Court, Udumalpet. In the said suits, the prayers were for declaration and permanent injunction in respect of the subject properties. The sole defendants in the suits are the 5th respondent in the respective writ petitions. The suits were decreed in favour of the petitioner's grandfather and grandmother.

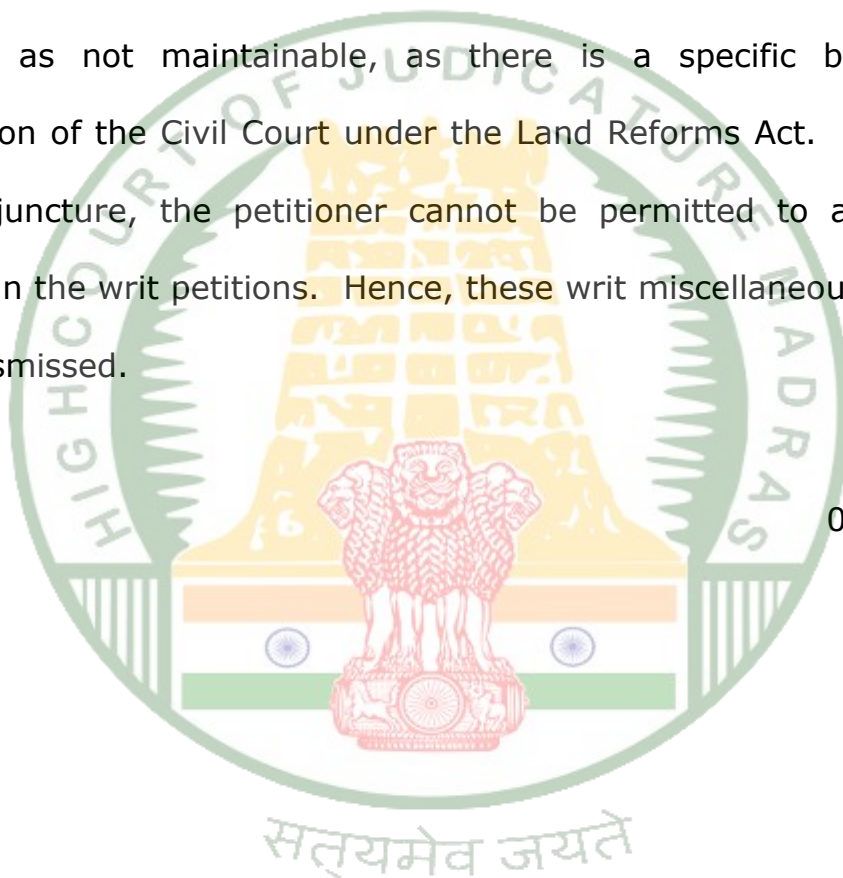
4.The fact would be whether before the Civil Court, did the 5th respondent/ sole defendant placed for consideration of the Court that they got the property by a deed of assignment pursuant to the land being declared as surplus in the hands of the petitioner's grandfather and grandmother.

5.It is seen from the judgments of the Civil Court dated 26.07.1999 and 18.08.1999, that there is a clear averment to the effect that under proceedings in ROC No.593/MR/IV/F.R.O.1498 and R.O.C.No.593/OMC/IV/F/F.R.O.1543, the lands were assigned after

they were declared as surplus lands under Section 94 of the Land Reforms Act. Though such a specific averment was made, the learned District Munsif misdirected himself in not framing proper issue. In fact, if he had noted the legal position, then the plaint itself was liable to be rejected as not maintainable, as there is a specific bar of the jurisdiction of the Civil Court under the Land Reforms Act. Therefore, at this juncture, the petitioner cannot be permitted to amend the prayers in the writ petitions. Hence, these writ miscellaneous petitions stand dismissed.

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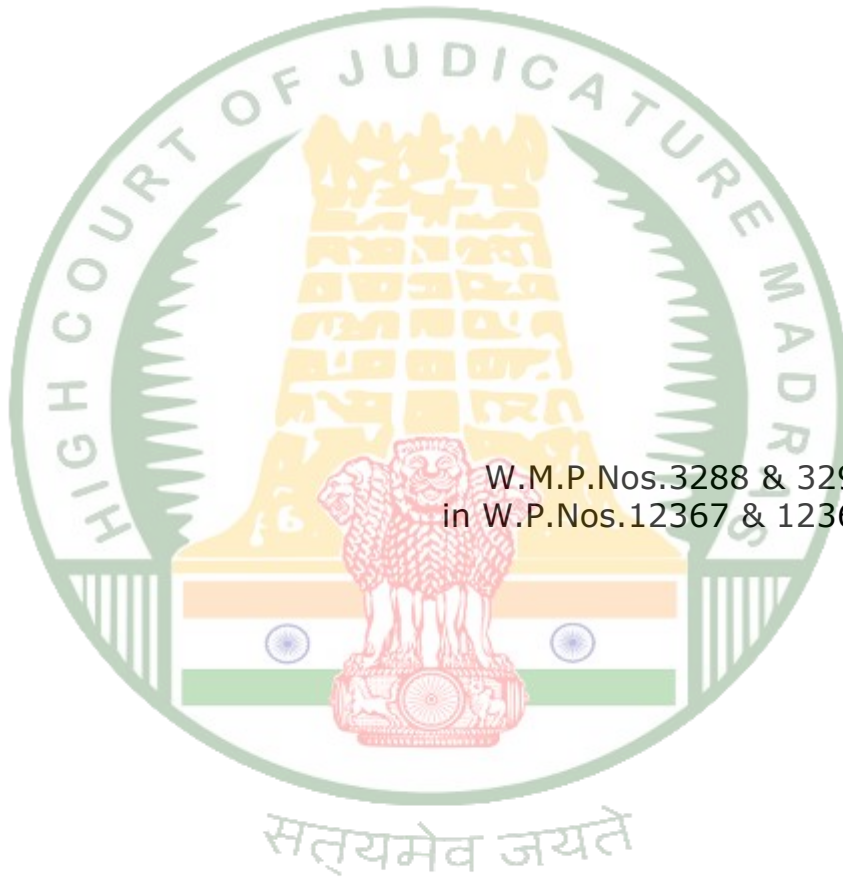


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