

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.3411 of 2013

and

M.P. No.2 of 2013

Kuppammal

...Petitioner

Vs

1.The Principal Commissioner and
Commissioner of Land Reforms,
Ezhilagam, Chepauk,
Chennai-600 005.

2.The Revenue Divisional Officer,
Sub-Collector,
Madurantakkam Division.

3.The District Collector,
Kancheepuram Collectorate,
Kancheepuram District.

4.The District Revenue Officer,
Kancheepuram Collectorate,
Kancheepuram District.

5.The Tahsildar,
Maduranthagam Taluk,
Maduranthagam.

6.Kumar @ Konda Reddiar

...Respondents

R2 amended and R6 impleaded as per order dated 10.07.2018 by
SMSJ in W.M.P. Nos.31121 & 38018 of 2017 in W.P. No.3411 of
2013

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of
Certiorarified Mandamus calling for the records on the file of
the second respondent in his proceedings MR4/A1/48/17-70 dated
28.06.2010 and quash the same and consequently direct the
second respondent not to allot the lands measuring to an
extent of 1.50 acres in Survey No.157/2 as per the earlier
order of the second respondent dated 27.10.1980 in his
proceedings RC.MR.IV/436/7.F.

For Petitioner : Mr.D.Saikumaran

For Respondents: Mrs.P.Rajalakshmi,
Additional Government Pleader
for R1 to R5

Mr.T.P.Manoharan,
Senior counsel
for Mr.A.Sendhil Narayanan for R6

ORDER

The petitioner has come to this Court challenging the impugned proceedings MR4/A1/48/17-70 dated 28.06.2010 and seeking a direction to the second respondent not to allot the lands measuring to an extent of 1.50 acres in Survey No.157/2 as per the earlier order of the second respondent dated 27.10.1980 in his proceedings RC.MR.IV/436/7.F.

2.Learned counsel appearing for the petitioner would submit that in the year 1980, when the Tamil Nadu Disposal of Surplus Land Rules, 1965 was implemented in the village of the petitioner, many poor people were allotted surplus lands and out of 3 acres in Survey No.157/2, an extent of 1.50 acres was not assigned under the Land Ceiling Act since the lands were submersed in big lake and the water was used for cultivation of the agricultural lands. Suppressing the fact that an order passed by the second respondent in its proceedings dated 27.10.1980, the second respondent, without applying its mind, has allotted the above 1.50 acres to the people under the Land Ceiling Surplus Act.

3.When the matter was taken up for hearing, learned senior counsel appearing for the 6th respondent would submit that the prayer in the writ petition has become infructuous in the light of the Proceedings dated 08.04.2013 issued by the Assistant Commissioner (Land Reforms), Villupuram wherein it is stated that the impugned order dated 28.06.2010 cannot be enforceable due to the subsequent development took place, namely, the Land Commissioner, in his proceedings dated 26.03.2010, has directed the Joint/Assistant Commissioner (Land Reforms), Villupuram to re-open the case of Ramasamy Reddiar, to initiate proceedings under the Principal Act, to determine the total agricultural holdings of the family of late Thiru Ramasamy Reddiar and to declare surplus, after providing due opportunity to all the legal heirs of the land owner other than the interested persons. Pursuant thereto, the Assistant Commissioner (Land Reforms), Villupuram in his proceedings dated 17.03.2014 determined the surplus lands and that the said order was also challenged by way of Appeal before the Land Tribunal (The District Revenue Officer) under the Land Reforms (Fixation of Ceiling on Land) Act 1961 and the same is pending for consideration.

4.It is seen from the records that the Land Commissioner, by his order dated 26.03.2010, directed the Joint/Assistant Commissioner (Land Reforms), Villupuram to re-open the case of Ramasamy Reddiar, to initiate proceedings under the Principal Act, to determine the total agricultural holdings of the family of late Thiru Ramasamy Reddiar and to declare surplus, after providing due opportunity to all the legal heirs of the land owner other than the interested persons and subsequently, the Proceeding dated 17.03.2014 has also been passed by the Assistant Commissioner, Land Reforms, Villupuram and the said order has also been challenged and pending for consideration before the Land Tribunal.

5.Since the appeal filed by the family members of the sixth respondent is pending consideration before the Land Tribunal, the writ petition stands disposed of. Consequently, miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (J)

//True Copy//

Sub Assistant Registrar

Vga

To

1.The Principal Commissioner and
Commissioner of Land Reforms,
Ezhilagam, Chepauk, Chennai-600 005.

2.The Revenue Divisional Officer,
Sub-Collector, Madurantakkam Division.

3.The District Collector,
Kancheepuram Collectorate,
Kancheepuram District.

4.The District Revenue Officer,
Kancheepuram Collectorate,
Kancheepuram District.

5.The Tahsildar,
Maduranthagam Taluk,
Maduranthagam.

+1cc to Mr.A.Sendhilnarayanan, Advocate, S.R.No. 94078

+1cc to Mr.D.Saikumaran, Advocate, S.R.No. 94071

+1cc to the Government Pleader, S.R.No. 94629

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and M.P. No.2 of 2013