



IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 07.06.2019

CORAM :  
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.29475 of 2004  
and  
WPMP.No.671 of 2009

Kovilpatti Lakshmi Rural Roller Mills Ltd.,  
Rep. by its Executive Director V.N.Jayaprakasam,  
KLRF Mills Bunglow,  
Cape Benaras Road,  
Gangaikondan, Tirunelveli.

...Petitioner

Versus

1. The State of Tamil Nadu,  
Rep. by The Secretary to Government,  
Revenue Department, Fort St. George,  
Chennai-600 009.
2. The Special Commissioner and  
Commissioner for Land Reforms,  
Chepauk, Chennai-600 005.
3. The Assistant Commissioner,  
Land Reforms,  
Erode.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to G.O.Ms.348 Revenue (L.REF.2(1) Department dated 26.07.2004 on the file of the first respondent and quash the same and consequently, direct the respondents to consider the petitioner's application dated 19.07.2001 afresh in accordance with law.

For Petitioner : Mr.Srinath Sridevan

For Respondents : Mr.J.Ramesh,AGP

O R D E R

This Writ Petition has been filed seeking to quash the G.O.Ms.348 Revenue (L.REF.2(1) Department dated 26.07.2004, passed by the first respondent and consequently, direct the respondents to consider the petitioner's application dated 19.07.2001 afresh in accordance with law.



2.The petitioner is a company engaged in industrial activity and employs several hundreds of workmen in its various units through the State. During 1978, the petitioner company has purchased 7.45 acres of land in Coimbatore, wherein it proceeded to house its sheet metal unit. Since the extent of land is in excess of the ceiling permitted under law, the petitioner applied for exemption under Section 37(A) of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, for which the first respondent by an order dated 02.01.1990, in G.O.Ms.No.1 Revenue, was pleased to permit the petitioner to hold the land in excess on condition that the property should be put to some industrial use within three years. However, the said property was not utilized for the industrial purpose within the period of three years and thus the petitioner applied for extension of time for exemption under Section 37(A) to enable the petitioner to utilize the excess land for industrial purpose. However, at the end of the third year, the first respondent by way of G.O.Ms.No.348 Revenue dated 26.07.2004, rejected the petitioner request for extension without assigning any reason. Aggrieved against the said G.O., the present writ petition has been filed.

3.Heard both sides.

4.Mr.J.Ramesh, learned Additional Government Pleader, appearing for the respondents submitted that during the pendency of the writ petition, the first respondent has passed a G.O. In favour of the petitioner. The relevant paragraph of the order is as follows:

"9.The Principal Secretary/Commissioner of Land Reforms in the reference 8<sup>th</sup> read above has stated that the Assistant Commissioner (L.R.)Erode, informed that the company has utilised the entire extent of 7.45 acres for specified Industrial purpose and that the above extent of land covered by the permission u/s 37-A of the Act 1961 granted in the G.O. first read above may be recorded as fully utilized for specified Industrial purpose.

10.The Government have carefully examined the report of the Director of Land Reforms and the Principal Secretary/Commissioner of Land Reforms in the reference 5<sup>th</sup> and 8<sup>th</sup> read above and ordered that the lands measuring to an extent of 7.45 acres in S.No.130/3 and 134/1 in Gudalore Village, Coimbatore Taluk and District covered by permission u/s.37-A of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 as granted in G.O.(Ms)No.1, Revenue Department, dated 2.1.1990 as fully utilized for industrial purpose by Tvl.Kovilpatti Lakshmi Roller Flour Mills Limited and to drop further action in respect of the notice issued u/s.20 of the Tamil Nadu



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Land Reforms (FCL) Act, 1961 subject to the condition that Tvl.Kovilpatti Lakshmi Roller Flour Mills Limited shall utilize the aforesaid lands for the aforesaid specified industrial purpose only and any deviation by way of construction, will be a violation and liable for resumption."

5.In view of the above said G.O. passed in favour of the petitioner, nothing survives for further adjudication in this writ petition. Accordingly, this writ petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,  
Revenue Department, Fort St. George,  
Chennai-600 009.
2. The Special Commissioner and  
Commissioner for Land Reforms,  
Chepauk, Chennai-600 005.
3. The Assistant Commissioner,  
Land Reforms, Erode.

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CNR(CO)

RRS (07/08/2019)