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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2019

CORAM:

THE HON'BLE Mr. JUSTICE K.KALYANASUNDARAM

AND

THE HON'BLE Mrs. JUSTICE R.THARANI

W.A. (MD) No.35 of 2019

and

C.M.P. (MD) No.160 of 2019

- 1.K.Srinivasan
- 2.Dhanalakshmi
- 3.P.Shivakumar
- 4.Dandapani
- 5.Kanniammal

... Appellants

Vs.

- 1.G.D.Narendra @ G.D.Narendra Kullama Naicker

- 2.The Commissioner of Land Reforms,
Chepauk,
Chennai - 5.

- 3.The Assistant Commissioner (Land Reforms),
No.36, Barathi Ula Road,
Race Course Colony,
Madurai - 2.

- 4.The District Collector,
Dindigul District,
Velunatchiyar Complex,
Dindigul - 4.

- 5.The District Revenue Officer,
Dindigul Collectorate,
Velunatchiyar Complex,
Dindigul - 4.

- 6.The Revenue Divisional Officer,
Palani.

- 7.The Tahsildar,
Palani Taluk,
Dindigul District.

... Respondents

PRAYER: The Appeal filed under Clause 15 of Letters Patent Act, to set aside the order dated 25.07.2018 made in W.P. (MD) No.1779 of 2012 by the learned Single Judge.

**Prayer in WP(MD). 1779/ 2012 :**

Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, forbearing the respondents herein anyway issuing pattas to third parties in respect of the lands acquired from the petitioner under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 before issuing patta to the petitioner for his lands extending to 794.74 acres as stated in the above Tables as stated in the Writ Petition.

For Appellants : Mr.S.Meenakshi Sundaram, S.C.for
Mr.N.G.A.Natraj

For Respondents : Mr.M.O.Thevankumar for R1
Mr.Aayiram K.Selvakumar, AGP for R2 to 7

JUDGMENT

(Judgment of the Court was delivered by K.KALYANASUNDARAM,J.)

Heard Mr.S.Meenakshi Sundaram, learned Senior Counsel appearing for the appellants, Mr.M.O.Thevankumar learned counsel appearing for the first respondent and Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondents 2 to 7 and perused the materials available on record.

2.The order passed in W.P.(MD)No.1779 of 2012 dated 25.07.2018 is under challenge in this Writ appeal.

3.The Writ petition was filed by the first respondent for issuance of Writ of Mandamus, forbearing the respondents therein by way of issuing patta to the third parties in respect of the land acquired from the Writ petitioner under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 before issuing patta to the Writ petitioner for his land.

4.The case of the Writ petitioner was that the lands in various survey numbers were declared as surplus under the provisions of the Act. According to the Writ petitioner, the land measuring to an extent of 22.60 hectares in Survey No.461 and 21.19 hectares in Survey No.318/1JB are within the holding of the land owners. The grievance of the Writ petitioner was that the official respondents had taken steps to issue patta in respect of the land of the petitioner within its holding. The learned Single Judge having considered the submissions of the learned counsels, disposed of the Writ petition.

5.The case of the appellants is that the lands in Survey No.318 were assigned in favour of the appellants by an order of assignment dated 17.04.2003. However, they were cancelled. Aggrieved over the cancellation, they have preferred an appeal before the District Revenue Officer but before disposal of the said



appeal, patta was issued in favour of the Writ petitioner. Now it is admitted by the learned counsels on either side that the assignment lands are different and the appellants have no right over the lands in Survey No.461 and 318/1JB.

6. At this juncture, the learned Senior Counsel appearing for the appellants would state that a direction can be issued to the fifth respondent / District Revenue Officer to dispose of the appeals of the appellants.

7. The learned Special Government Pleader would submit that if the appeals were filed beyond the period of limitation, the respondents will not be in a position to consider the same.

8. In view of the above submissions, the fifth respondent is directed to dispose of the appeals of the appellants, if the same were filed in time, on merits and accordance with law as expeditiously as possible. However, no interference in the order of the learned Single Judge is required.

9. With the above observation and direction, this Writ Appeal is disposed of. No costs. Consequently, connected C.M.P. is closed.

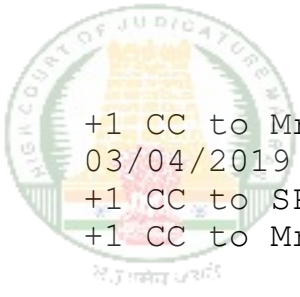
sd/
Assistant Registrar(AE)

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Sub Assistant Registrar

To

1. The Commissioner of Land Reforms,
Chepauk, Chennai - 5.
2. The Assistant Commissioner (Land Reforms),
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5. The Revenue Divisional Officer,
Palani.
6. The Tahsildar,
Palani Taluk, Dindigul District.



+1 CC to Mr.M.O.THEVAN KUMAR, Advocate (SR-58506[F] dated 03/04/2019)

+1 CC to SPL GP (SR-58550[F] dated 03/04/2019)

+1 CC to Mr.N.GA.NATRAJ, Advocate (SR-58477[F] dated 03/04/2019)

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NBJ

MK (17.06.2019) 6P 10C