



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD) .No.22664 of 2015
and M.P. (MD) .No.1 of 2015

M.Thirumaran

.. Petitioner

Vs.

1.The District Revenue Officer,
Tamil Nadu Land Reforms, Ramanathapuram.
erst while The Assistant Commissioner,
Tamil Nadu land Reforms,
Land Administration and Land Ceiling,
Madurai.

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

.. Respondents

(Cause title amended vide Court order, dated 09.10.2017, in W.M.P.
(MD) .No.5244 of 2017)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, calling for the impugned records of the 1st respondent in the proceedings in M.R.4/231/D/Ramanathapuram, dated 12.10.2015 and to quash the same and consequently directing the 1st respondent to restore the original order passed by the erstwhile Assistant Commissioner (Authorized Officer), dated 07.09.2009 and to issue Assignment order under Rule 8 (6) r/w "Form-F" under Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965 to the petitioner.

For Petitioner : Mr.S.Saji Bino

For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader

ORDER

This writ petition has been filed for issuing writ of Certiorarified Mandamus, calling for the impugned records of the 1st respondent in the proceedings in M.R.4/231/D/Ramanathapuram, dated 12.10.2015 and to quash the same and consequently directing the 1st respondent to restore the original order passed by the erstwhile Assistant Commissioner (Authorized Officer), dated 07.09.2009 and to issue Assignment order under Rule 8 (6) r/w "Form-F" under Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965 to the petitioner.



respondent to restore the original order passed by the erstwhile Assistant Commissioner (Authorized Officer), dated 07.09.2009 and to issue Assignment order under Rule 8 (6) r/w "Form-F" under Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965 to the petitioner.

WEB COPY

2.The petitioner admits that his mother purchased the land from the land owner, after the land was declared as surplus and notified as such after completion of proceedings under the Tamil Nadu Land Reforms (Fixation of Ceiling of Land) Act. The petitioner claims title on the basis of sale deed alleged to have been obtained by his mother from the original owner and the settlement deed alleged to have been executed by his mother in his favour. The fact that the land has been declared as surplus under the Tamil Nadu Land Reforms Act and the proceedings have reached finality is not in dispute. Stating that the Authorised officer has also admitted that possession was not taken by the Government pursuant to the finality reached under the Tamil Nadu Land Reforms Act, the learned counsel for the petitioner states that the order of first respondent rejecting the representation of the petitioner to grant patta to all the persons who have purchased the property from the original owner is illegal. From the order impugned and the facts admitted before this Court, it is not in dispute that the proceedings initiated under the Land Reforms Act have become final and the land vests with the Government in terms of the provisions of Land Reforms Act.

3.The case of the petitioner claiming title to the property from the original owner has no legal basis. Though the property has been purchased, it is stated that the property is dealt with by the original owner after the proceedings under Land Reforms Act had been initiated and become final. The original owner had no authority to deal with the property. The petitioner or petitioner's predecessor's interest have no right after the land had been taken over by the Government as surplus. Merely, because the persons who have subsequently purchased the property from the petitioner, are in possession, that would not give them any right. The petitioner himself admits that several persons have been given assignment under the Disposal of Surplus Rules and they are given patta. However, the petitioner says that the persons who got right from the original owner including the petitioner should also get patta. Interestingly, the petitioner has not even implead any one of the persons who got assignment from the Government in accordance with the procedure prescribed in law, particularly under the Disposal of Surplus Land Rules. The petitioner and purchasers from the petitioner are rank trespassers. They shall be evicted following due process of law if they are in possession. This Court find no merit in the writ petition.



4.As a result, this writ petition is dismissed with the cost of Rs.1,000/- payable to the Legal services Authority, Madurai Bench of Madras High Court, Madurai. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

To

1.The District Revenue Officer,
Tamil Nadu Land Reforms, Ramanathapuram.
erst while The Assistant Commissioner,
Tamil Nadu land Reforms,
Land Administration and Land Ceiling,
Madurai.

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

copy to
The Secretary,
Tamil Nadu Legal Services Authority,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.SAJI BINO, Advocate (SR-125[F] dated 03/01/2020)

W.P. (MD) .No.22664 of 2015
02.01.2020

avs(CO)
TR(27.01.2020) 3P 5C