



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Fourteenth day of February Two Thousand and Twenty
PRESENT

The Hon'ble Mr. Justice S.S.SUNDAR

WMP(MD). No.20274 of 2019

in

WP(MD).No.11299 of 2008

M.Soudha Beevi

...Petitioner/Petitioner

Vs

- 1 State of Tamil Nadu, Rep. By Secretary to Govt.,
Revenue Department, Secretariat, Fort St.George, Chennai-9.
- 2 The Commissioner of Land Reforms, Ezhilagam,
Chepauk, Chennai - 600 005.
- 3 The Competent Authority - Assistant Commissioner,
(Urban Land Ceilling) - Land Reforms,
Tirunelveli at Palayamkottai, Tirunelveli - 627 002.
- 4 The District Collector, Tirunelveli District,
Tirunelveli - 627 005. ... Respondents/Respondents

Prayer in WMP(MD). No.20274 of 2019 :-

Writ Miscellaneous Petition is filed under Article 226 of the Constitution of India, praying this Court to condone the delay of 2129 days in filing petition to set aside the order dated 6.12.2013 made in WP(MD).No.11299 of 2008 and restore the same.

Prayer in WP(MD).No.11299 of 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus, calling for the records of the third respondent comprised in proceedings of the 3rd respondent in his proceedings under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 culminating in the notification of the petitioner's land situate at in Survey Nos.816/1A, 765/3, 800, 808 admeasuring hectares 0.46.84, 1.08.05, 0.46.54, 0.74.87 respectively in all totalling to 2.76.30 hectares in Suthamali Village of Tirunelveli Taluk, as excess lands in the hands of the petitioner under Notification No.VI(1)285/20 dated 5.03.1980 under section 11(1) of the Act and that the said lands are deemed to have been acquired under section 11(3) of the Act and that the same shall be deemed to have been vested absolutely with the State Government from 03.06.1980 in Notification No.VI(1)558/90, and to set aside the order dated 6.12.2013 in WP(MD).No.11299 of 2008 and restore the same.



Government Gazette dated 28.05.1980 and which was again published at page 278 of part VI Section I of Tamil Nadu Government Gazette dated 04.06.1980 and quash the same as arbitrary and illegal and contrary to the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978, and consequently issue a Mandamus forbearing the respondents from in any manner interfering with the ownership rights of the petitioner including that of possession, enjoyment and use as an absolute owner in respect of the petitioner's land situate at Suthammalli Village of Tirunleveli Taluk is Survey Nos.816/1A, 765/3, 800, 808 admeasuring hectares 0.46.84, 1.08.05, 0.46.54, 0.74.87 respectively in all totalling to 2.76.30 hectares.

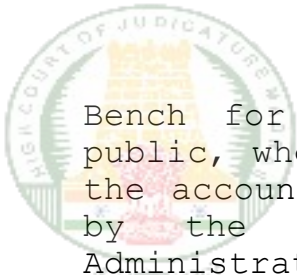
ORDER:- Writ Miscellaneous Petition is coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.N.A.Nissar Ahamed, Advocate for the Petitioner and of Mr. A.Muthukaruppan, Additional Government Pleader On Behalf of the Respondents, this Court made the following order:

This Petition is filed to condone the delay of 2129 days in filing a petition to set aside the order, dated 06.12.2013 made in W.P.(MD)No.11299 of 2008.

2.In the affidavit filed in support of this petition, it is stated that the learned Counsel, who was entrusted to look after the case, has been elevated as Honourable Judge of this Court and that therefore, there was a communication gap. Though the case was entrusted and handed over to some of the advocates, it is stated that the petitioner was not informed about the listing of the case earlier. Though the learned Counsel for the petitioner admits that there was some negligence on the part of the petitioner, the Writ Petition is to save his lands from the purview of Tamil Nadu Urban Land Ceiling Act, which has now been repealed.

3.The third respondent has filed a counter affidavit and opposed the petition mainly on the ground that the delay has not been properly explained. Though the third respondent has submitted something on merits of the case, there is no serious objection doubting or disputing the veracity of the statement found in the affidavit filed in support of this petition regarding the cause of delay. Hence, this Court is of the view that some lenience can be shown and the petition can be ordered subject to terms.

4.Accordingly, this petition is allowed and the delay is condoned on condition that the petitioner is directed to pay a sum of Rs.10,000/- to the credit of Sidha and Ayurvedhic Clinic attached to this Bench within a period of two weeks from the date of receipt of a copy of this order. The Registrar Administration is directed to open the account in the name of "Sidha Clinic" to be operated by the Registrar Administration. The amount to be deposited by the



Bench for their social service in giving health drinks to the public, who are visiting this Bench. The amount that is credited to the account shall be withdrawn and transferred to the Sidha Clinic by the Registrar Administration by orders of Honourable Administrative Judge or the Green Committee of this Bench.

WEB COPY

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

- 1 The Secretary to Government of Tamil Nadu,
Revenue Department, Secretariat, Fort St.George, Chennai-9.
- 2 The Commissioner of Land Reforms, Ezhilagam,
Chepauk, Chennai - 600 005.
- 3 The Competent Authority - Assistant Commissioner,
(Urban Land Ceilling) - Land Reforms,
Tirunelveli at Palayamkottai, Tirunelveli - 627 002.
- 4 The District Collector, Tirunelveli District,
Tirunelveli - 627 005.

copy to

- 1 The Officer in Charge,
Siddha Clinic,
Madurai Bench of Madras High Court, Madurai.
2. The Registrar(Administration)
Madurai Bench of Madras High Court, Madurai.
- 3 The Section Officer, Writ A.E Section,
Madurai Bench of Madras High Court, Madurai

VB(03.03.2020) 3P 8C

WMP(MD) . No.20274 of 2019
in
WP(MD) .No.11299 of 2008
14.02.2020