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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:25.08.2021

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.10471 OF 2010

1.Goutham Chand Nahar
2.Sushila Nahar
3.Ganpathlal
4.Kailash ganna

... Petitioners

Vs

1.The Secretary to Government,
Revenue Department,
Fort St. George, Chennai.

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

3.The Joint Commissioner,
Land Reforms, Gandhiji Road,
Jawans Bhavan II Floor, Erode - 1.

4.The Tahsildar,
Hosur, Krishnagiri District.

5.The Village Administrative Officer,
Hosur, Krishnagiri District.

6.Pillamma @ Billamma
7.Muni Reddy
8.A.Siraj Ahemed

... Respondents

(R6 to R8 impleaded as per order dated 02.07.2010 by KVJ in M.P.No.4 of 2010 in W.P.No.10471 of 2010)

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari and call for the entire records pertaining to the Impugned G.O.Ms.No.1923, Revenue, dated 19.04.1973 made under Section 18 (I) of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 1961 (Act 58/61) issued by the 1st respondent, and quash the same in respect of land measuring an extent of 4.32 acre



comprised in Survey No.42/2 situated of Rangopanditha Agraharam, Hosur Taluk, Krishnagiri District.

For Petitioners : Mr.S.Kumar
For Respondents : Mr.Richardson Wilson,
1 to 5 Government Advocate
For Respondent 8 : Mr.V.Raghavachari
R6 and R7 Dismissed vide Court order dated 22.02.2011

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O R D E R

This Writ Petition is filed to issue a Writ of Certiorari and call for the entire records pertaining to the Impugned G.O.Ms.No.1923, Revenue, dated 19.04.1973 made under Section 18 (I) of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 1961 (Act 58/61) issued by the 1st respondent, and quash the same in respect of land measuring an extent of 4.32 acre comprised in Survey No.42/2 situated of Rangopanditha Agraharam, Hosur Taluk, Krishnagiri District.

2. The case of the petitioners is that the petitioners have purchased the property to an extent of 4.32 acres comprised in Survey Number 42/2 situated at Rangopanditha Agraharam, Hosur Taluk, Krishnagiri District by a registered sale deed dated 06.04.1998 bearing Document No.1657 of 1998 from one S.Byrappa. The petitioners' vendor had purchased the said property from Mr.S.Arunachalam and Mr.M.A.Natarajan by a registered sale deed dated 24.05.1995 bearing Document No.2855 of 1995.

3. Further the case of the petitioners is that they verified Revenue Records and thereafter purchased the property. When they applied for patta and for mutation of Revenue Records, the petitioners were informed that the subject property was already taken over by the Land Revenue Reforms Department. Thereafter, they came to understand that the third respondent assigned the land admeasuring an extent of 2 acres out of 4.32 acres in Survey No.42/2 in favour of sixth respondent herein and in turn, she sold 1 acre to third parties violating the terms and conditions of the assignment in favour of the seventh respondent herein. Thereafter, the seventh respondent sold out the property in favour of the eighth respondent. Therefore, the petitioners challenged the proceedings of the respondents 1 to 3 herein.

4. Pending writ petition, the respondents 6 to 8 have filed a petition to implead themselves as the respondents. The case of the respondents 6 to 8 herein is that they have purchased the property to an extent of 4.32 acres comprised in Survey No.42/2 situated at Rangopanditha Agraharam, Hosur Taluk, Krishnagiri District vide registered sale deed dated 06.04.1998 bearing



Document No.1657 of 1998 from Byrappa. Subsequent to the purchase they are in possession and enjoyment of the suit property. Thereafter the 6th respondent executed the sale deed in favour of the 7th respondent and the 7th respondent executed the sale deed in favour of the 8th respondent. Therefore the entire proceedings were already over and in fact, the entire land were assigned in favour of the 6th respondent herein.

5. Without even knowing the possession of the property, the petitioners have purchased the property from their vendor namely Byrappa. It is borne out from the records that after completion of proceedings, the subject property assigned in favour of the 6th respondent. The petitioners have challenged the proceedings of the year 1973, which is after the period of 37 years. Therefore, this Court finds no merits in this writ petition and this writ petition is dismissed as devoid of merits.

6. Accordingly, this writ petition is dismissed. No order as to costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Revenue Department, Fort St. George,
Chennai.
- 2.The Commissioner,
Land Reforms,
Ezhilagam, Chepauk,
Chennai.
- 3.The Joint Commissioner,
Land Reforms,
Gandhiji Road,
Jawans Bhavan II Floor,
Erode - 1.
- 4.The Tahsildar,
Hosur,
Krishnagiri District.



5.The Village Administrative Officer,
Hosur, Krishnagiri District.

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+1cc to the Government Pleader, S.R.No.43038

W.P.No.10471 of 2010

KSM(CO)
PM/22/09/2021