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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.30028 of 2018

S.Rajamani

... Petitioner

-Vs-

1.The Sub Collector (Revenue) cum  
Authorised Officer (Land Reforms)  
Karaikkal - 609 602.

2.The Special Secretary to Government  
Department of Revenue and Disaster  
Management, Puducherry.

3.The Chief Secretary to Government  
Government of Puducherry.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to remove the Zero Value mentioned for the lands in R.S.No.120/2, 3, 4 and 5 at No.21 Thirunallar Village Thirunallar Sub Registration District Puducherry registration district admeasuring 01.08.70 extent in guideline register as sought vide representation dated 3/7/18 by the petitioner.

|                 |   |                                                |
|-----------------|---|------------------------------------------------|
| For Petitioners | : | Mr.N.A.Nissar Ahmed                            |
| For Respondents | : | Mr.J.Kumaran                                   |
|                 |   | Additional Government Pleader<br>(Pondicherry) |

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondents to remove the Zero Value mentioned for the lands in R.S.No.120/2, 3, 4 and 5 at No.21 Thirunallar Village, Thirunallar Sub Registration District, Puducherry registration district admeasuring 01.08.70 extent in guideline register as sought vide representation dated 3/7/18 by the petitioner.

2. In respect of the lands at various survey numbers in



Thirunallar Village, Thirunallar Sub Registration District, Puducherry registration district, there had been a land ceiling proceedings before the Land Tribunal (Subordinate Judge, Karaikkal), who decided the case in favour of one Kandaiya Mudaliar, who was the petitioner in L.T.C.M.A.No.41/76.

3. As against the order passed by the Tribunal, the Puducherry Government preferred an appeal by way of C.R.P.No.1881 of 1977 before this Court, which was also dismissed by this Court.

4. Subsequently, a part of the land was purchased by the deceased son of the petitioner one R.Sundar through five sale deeds. While so, the said Sundar died on 02.07.2017 leaving behind the legal heirs ie., his wife one Parvathi, Son Seshan, Daughter Roshini and the petitioner herein, the father of the deceased. In this context, it is the further case of the petitioner that, as against the order passed by this Court in C.R.P.No.1881 of 1977, no further appeal had been filed by the respondent Government before the Honourable Supreme Court and therefore, according to the petitioner, the issue had become final. Therefore, the action initiated against the original owner from whom the petitioner's son purchased the property as stated above in Land Reforms Case M.R.I.No.95 shall be dropped and in this regard, the petitioner had given a representation on 03.07.2018. Since the said representation was not considered and has been kept pending all along, the petitioner has filed this writ petition with the aforesaid prayer.

5. Reiterating the aforesaid facts, Mr.Nissar Ahamed, learned counsel for the petitioner would submit that, since the order passed by the Land Tribunal as confirmed by this Court as referred to above has become final, as admittedly no further appeal, to the knowledge of the petitioner, has ever been filed by the respondent Government before the Honourable Supreme Court, there can be no impediment for the respondents to drop the proceedings under Land Reforms Act against the original owner from whom a part of the property was purchased by the son of the petitioner. Accordingly, the petitioner and the other legal heirs can be free to exploit the property in question in the manner known to law. Therefore, a suitable direction is sought for, he contended.

6. On the other hand, Mr.J.Kumaran, learned Additional Government Pleader (Puducherry) appearing for the respondent relied upon the following averments made in the counter affidavit filed by the first respondent.

"6. As such the Authorised Officer sent a requisition letter to the then Deputy Secretary



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(Revenue), Pondicherry on 27.08.1980 for filing a Special Leave Petition (SLP) before the Hon'ble Supreme Court of India. I humbly submit that the status of the SLP or any further information thereafter is not available in the file. Several communications were sent in this regard to the office of the Special Secretary (Revenue), Government of Puducherry including the recent letters dated 24.09.2013, 12.12.2014 and 30.07.2018. In the meantime the land owner started alienating his lands and in order to prevent further transactions in those lands the Guide Line Register (GLR) value of the said lands has been assigned as "0".

7. By relying upon this averments made in the counter affidavit, learned Additional Government Pleader would submit that, though some request had been made by the Authorised Officer some time in the year 1980 to the concerned department to take steps to prefer SLP, according to the records available with the respondents office, no such SLP has been filed. Therefore, the order passed by the Land Tribunal as confirmed by this Court has become final. Therefore, in this context, the plea raised by the petitioner through the representation dated 03.07.2018 would be considered and suitable order to that effect would be passed by the respondents within a time frame as may be stipulated by this Court.

8. I have considered the submissions made by the learned counsel appearing for both sides and have perused the materials placed on record.

9. As has been pointed out by the learned counsel for the petitioner, the land reforms case ended in favour of the original owner / predecessor-in-title, from whom the petitioner purchased part of the property in question, as the order passed by the Land Tribunal has been confirmed by this Court in the aforesaid C.R.P.No.1881 of 1977. Though some attempts seems to have been made to file S.L.P before the Honourable Supreme Court as averred in the counter affidavit as has been quoted above, there was no further appeal filed against the said proceedings. Therefore, it may be safely concluded that, the proceedings has become final in favour of the land owner ie., predecessor-in-title of the petitioner, from whom part of the property was purchased by the petitioner's son and hence the present petitioner and the other legal heirs certainly would be entitled to exploit the property in question. Therefore, the plea of the petitioner in his representation dated 03.07.2018 may be considered and an order to that effect can be passed by the respondent within a time frame.



10. In that view of the matter, there shall be a direction to the respondents especially the first respondent to pass necessary orders on the representation of the petitioner dated 03.07.2018 within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that, since the proceedings have become final as early as in 1980 itself, there can be no impediment for the respondents especially the first respondent to pass suitable orders in that line to and in favour of the petitioner and therefore, while passing the order, the said aspect shall be borne in mind and accordingly the needful as indicated above shall be undertaken by him within the stipulated time frame.

11. With the above directions, this writ petition is disposed of. No costs.

s/d-  
Assistant Registrar (CS VI)

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Sub-Assistant Registrar

KST  
To

1. The Sub Collector (Revenue) cum  
Authorised Officer (Land Reforms)  
Karaikkal - 609 602.
  2. The Special Secretary to Government  
Department of Revenue and Disaster  
Management, Puducherry.
  3. The Chief Secretary to Government  
Government of Puducherry.
- +1 CC to The Government Pleader, Sr 27787.

W.P.No.30028 of 2018

RLD (CO)  
LS (14/07/2021)