



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD)No.442 of 2021

and

W.M.P. (MD) No.370 of 2021

WEB COPY

VGP Housing Private Limited,
Through its authorized Signatory,
P.Radhakrishnan,
S/o.Pachhaiyappan,
VGP Square,
No.6, Dharmaraja Koil Street,
Saidapet,
Chennai - 600 015.

... Petitioner

- Vs -

- 1.The Additional Chief Secretary/Commissioner of Land Reforms,
II Floor, Ezhilagam,
Chepauk,
Chennai - 600 005.
- 2.The Director of Land Reforms,
II Floor, Ezhilagam,
Chepauk, Chennai - 600 005.
- 3.The Assistant Commissioner of Land Reforms,
II Floor, Ezhilagam,
Chepauk, Chennai - 600 005.
- 4.The Sub Collector/Revenue Divisional Officer,
Revenue Divisional Office,
Palani,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records of the impugned proceedings of the fourth respondent in Na.Ka.No.1098/2018/A5, dated 23.02.2018 under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, quash the same as illegal and pass appropriate orders.

For Petitioner : Mr.M.Vallinayagam
Senior Counsel
for M/s.D.Nallathambi



For Respondents

: Mr.M.Jeyakumar

Additional Government Pleader

ORDER

The petitioner is a private company limited and it is before this Court challenging the proceedings of the fourth respondent, dated 23.02.2018, issued under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961. The proceedings were initiated under the Act as the petitioner was found to be having surplus lands. From the factual narration, it appears that the petitioner, in response to the notice issued by the authority concerned, has been participating in the proceedings as on date.

2.During the pendency of the proceedings, it appears that the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 has been amended by Tamil Nadu Act 24 of 2018 and the amendment came into effect on 28.10.2020. According to the learned Senior Counsel, as per the amended Act of 2018, the company is entitled to hold 30 Acres of land in which case the proceedings initiated against the company for holding additional surplus lands has become *non est* and unsustainable.

3.This Court was initially not inclined to entertain the Writ Petition on the ground that the petitioner having chosen to participate in the enquiry proceedings, cannot straight away approach this Court and seek to stall the proceedings for whatever the grounds that have been raised in the Writ Petition.

4.However, learned Senior Counsel appearing for the petitioner, on instructions, would submit that the Writ Petition may be disposed of with a direction to the revenue authorities to consider the latest amendment, namely, Tamil Nadu Act 24 of 2018, which had come into effect on 28.10.2020 so that the petitioner company could get relief from the authority himself due to the subsequent development. The learned Senior Counsel has requested this Court to fix a time for early disposal of the representation.

5.In view of the submission of the learned Senior Counsel, the Writ Petition is disposed of as under:

(i) The competent authority, who has issued notice under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, is directed to consider all the objections of the petitioner against the initiation of the proceedings and including the latest development, namely, amended Act 24 of 2018 which has come into force on 28.10.2020. The authority is also directed to take into consideration as to whether the petitioner can seek the benefit of the latest amendment and is entitled to hold more acres of lands.



(ii) The authority concerned is, therefore, directed to pass appropriate orders, based on the latest amendment, within a period of four weeks from the date of receipt of a copy of this order.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

SRM

To

- 1.The Additional Chief Secretary/Commissioner of Land Reforms,
II Floor, Ezhilagam,
Chepauk,
Chennai - 600 005.
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- 4.The Sub Collector/Revenue Divisional Officer,
Revenue Divisional Office,
Palani,
Dindigul District.

+1 CC to SGP (SR-1417[F] dated 20/01/2021)

W. P (MD) No. 442 of 2021

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KM (09.02.2021) 3P 6C