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W.P.No.37241 of 2007

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2022

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.37241 of 2007

1. C.Dhanam (*Died*)
2. G.Kanakambujam
3. G.Krishnamurthy ...Petitioners

(P2 & P3 substituted as legal heirs of the deceased sole petitioner, vide order dated 08.08.2014 made in M.P.No.1 of 2013.)

Vs.

1. The Principal Commissioner
and Commissioner of Land Reforms,
Ezhilagam, Chennai – 600 006.
2. The Assistant Commissioner,
Land Reforms,
Tiruchirapalli. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent dated 27.01.2006 in D1/R.P.No.10/05 (L.Ref) quash the same and direct the second respondent to permit the petitioner to specify the lands for demarcation in his proceedings dated 09.03.2003 in M.R.III/105/



W.P.No.37241 of 2007

WEB COPY

For Petitioners : Mr.M.Rajaraman

For Respondents : Mr.U.Baranidharan, AGP

ORDER

The petitioners have filed this Writ petition seeking issuance of a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in respect of the order dated 27.01.2006 in D1/R.P.No.10/05 (L.Ref), quash the same and to consequently direct the 2nd respondent to permit the petitioners to specify the lands for demarcation in his proceedings dated 09.03.2003 in M.R.III/105/17.70/A.5.

2. The case of the petitioners is that the property comprised in S.No.384/1A, measuring an extent of 15.11 acres which is equivalent to 7.554 standard acres, situated at Mandaiyur Village belonged to the 1st petitioner, against which the Land Reforms proceedings were initiated and the same was declared as surplus holding, however, no compensation was paid to the petitioners. While so, the 2nd respondent, vide proceedings dated 09.03.2003 bearing No. M.R.III/105/17.70/A.5, invited applications for



W.P.No.37241 of 2007

assigning the subject lands, without paying the compensation to the petitioners. Thereafter, the 1st petitioner, made an application dated 06.09.2004 before the 1st respondent, seeking to reverse the proceedings of the 2nd respondent, pursuant to the order of this Court dated 02.09.2004 made in W.P.No.25003 of 2004, however, the same evoked no response. Aggrieved by the same, 1st petitioner, filed a Writ petition in W.P.No.1372 of 2005 and this Court, vide order dated 20.01.2005, directed the 1st respondent to dispose of the said representation, pursuant to which, the 1st respondent, vide order dated 27.01.2006 in D1/R.P.No.10/05 (L.Ref), rejected the 1st petitioner's claim. Challenging the same, the present Writ petition is filed.

3. Heard learned counsel on either side and perused the materials available on record.

4. Though very many arguments have been advanced by the learned counsel for the petitioners, however, when this Court expressed its opinion that, the final statement under Section 12 of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 was issued in the year 1976 and the



W.P.No.37241 of 2007

notification under Section 18(1) of the said Act was issued in the year 1978, while so, the petitioners have filed the Writ petition in the year 2007, after a lapse of about 27 years, which is not sustainable, the learned counsel for the petitioners restricted the prayer and sought for direction of this Court to the 1st and 2nd respondents to implement the order of this Court, with regard to the payment of compensation and a further direction to the 2nd respondent to enquire whether the assignees are doing cultivation activities in the assigned lands, if not the same will adversely affect the cause for which the lands were acquired from the petitioners.

5. Per contra, learned Additional Government Pleader appearing for the respondents submitted that the respondents have made multiple efforts to pay the compensation, however, the petitioners have not come forward to receive the same. However, he fairly submitted that, the eligible compensation will be disbursed in favour of the petitioners within the time stipulated by this Court and he further undertook that, appropriate enquiry will be conducted to verify whether the assignees are carrying out agricultural activities or not, and if not, appropriate action will be taken



W.P.No.37241 of 2007

against them.

WEB COPY

6. In view of the fair submission made by the learned Additional Government Pleader, this Court, without going into the merits of the case, issues direction to the respondents to disburse the compensation amount in favour of the petitioners within a period of six weeks from the date of receipt of a copy of this order. Further, the 1st respondent is directed to ascertain whether the assignees are carrying on agricultural operations in the lands which have been assigned to them and if not, necessary action is directed to be taken against those assignees in accordance with law.

7. With the above observations and directions, this Writ petition stands dismissed. No costs.

25.11.2022

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Index : Yes/No

Speaking order : Yes/No

5/7



W.P.No.37241 of 2007

To:

WEB COPY

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and Commissioner of Land Reforms,
Ezhilagam, Chennai – 600 006.
2. The Assistant Commissioner,
Land Reforms,
Tiruchirapalli.

M.DHANDAPANI, J.

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W.P.No.37241 of 2007



WEB COPY



W.P.No.37241 of 2007

25.11.2022