



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2022

WEB COPY

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.21407 of 2008

D.S.Raman Boys and Sarojini
Devi Girls Hostel,
Affiliated to Harijan Sevak Sangh,
Gobichettipalayam Branch,
Rep.by its president,
K.S.Pachaiyappan.

... Petitioner

Vs

1. The Special Commissioner
& Commissioner of Land Reforms,
Chepauk, Chennai - 600 005.

2. The District Collector,
Erode.

3. The Revenue Divisional Officer,
Gobichettipalayam.

4. The Tahsildar,
Gobichettipalayam.

5. The Project Officer,
Unit-III, Gobichettipalayam,
(Zonal Deputy Tahsildar,
Gobichettipalayam)

[Cause title amended as per order dated 18.08.2010
in M.P.No.3 of 2010 in W.P.No.21407 of 2008]

6. Perumal

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the fifth respondent made in Ref.4557/88/A4 dated 22.12.1989 and all other consequential orders and proceedings thereto and quash the same.

[Prayer amended as per order dated 18.08.2010 in M.P.No.1 of 2010 in W.P.No.21407 of 2008]



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For Petitioner : Mr.V.Ramesh
for Mr.P.R.Balasubramanian

For Respondents : Mr.M.Muthusamy
Government Advocate (for R1 to R4)

: No Appearance (for R5)

O R D E R

This Writ Petition is filed to issue a Writ of Certiorari to call for the records of the fifth respondent made in Ref.4557/88/A4 dated 22.12.1989 and all other consequential orders and proceedings thereto and quash the same.

2. There is an appeal remedy as contemplated under Section 82 of the Land Reforms (Fixation of Ceiling on Land) Act, 1961 r/w Section 11 of the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965 before the first respondent.

3. Considering the above appeal remedy available to the petitioner, the petitioner is directed to file a appeal/revision as contemplated under Section 82 of the Land Reforms (Fixation of Ceiling on Land) Act, 1961, r/w Section 11 of the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965, before the first respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the first respondent is directed to entertain the appeal/revision, and after giving an opportunity of hearing to them, pass orders on merits and in accordance with law, within a period of twelve weeks thereafter. It is made clear that the first respondent is also directed to decide the issue as to the aspect of the petitioner being a religious trust or not.

4. With the above direction, this Writ Petition is disposed of. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



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1. The Special Commissioner
& Commissioner of Land Reforms,
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Erode.
3. The Revenue Divisional Officer,
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4. The Tahsildar,
Gobichettipalayam.
5. The Project Officer,
Unit-III, Gobichettipalayam,
(Zonal Deputy Tahsildar,
Gobichettipalayam)

+lcc to Mr.P.R.Balasubramanian, Advocate Sr.965
+lcc to the Government Pleader Sr.1968

W.P.No.21407 of 2008

pl[co]
srg 28/01/2022