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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.20503 of 2009

And

M.P.No.1 of 2009

S.Jayagowri (Deceased)
2.Sivaraman
3.R.S.Gopu
4.Padma
5.S.Jawahar
6.Monisha
7.Minor Ishitha Ravi
(Minor P7 represented by her Mother
and Natural Guardian Mrs.Vaijayanthi)

(P2 to P7 substituted as LRs. of
deceased sole petitioner vide order
dated 23.02.2022 made in WMP.28424/
2019 in WP.20503/2009 by MDIJ)

... Petitioners

Vs.

1. The State of Tamil Nadu
represented by its Secretary to Government
Revenue Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner (Land Reforms)
Chepauk,
Chennai - 600 005.
3. The Asst. Commissioner (Land Reforms)
Villupuram Town,
Villupuram District.
4. The District Collector,
Thiruvallur District,
Thiruvallur.
5. The Tahsildar,
Gummidipoondi Taluk,
Thiruvallur District.

... Respondents



Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration declaring the first respondent's proceedings made in Tamil Nadu Government Gazette (Revenue Department) No.12A dated 28.03.2001, in so far it pertains to the schedule of substitution of the surplus lands of Jayalakshmi Ammal, including the petitioner's agricultural lands in 0.14.0 Hectares (35.00 acres) in S.No.38/3A, 0.17.5 Hectares (44.00 acres) in S.No.38/12B, 0.10.5 Hectares (26.50 acres) in S.No.38/2D, 0.09.5 Hectares (23.75 acres) in S.No.38/2E, 0.15.0 Hectares (37.50 acres) in S.No.39/4, 0.07.5 Hectares (18.75 acres) in S.No.39/1A, 0.09.5 Hectares (23.75 acres) in S.No.39/3B and 0.09.0 Hectares (22.50 acres) in S.No.41/3D, all of Edur Village, Gummidipoondi Taluk, Thiruvallur District as unconstitutional, arbitrary, ultra vires, malafide and against all provisions of law and natural justice and further direct the respondents not to take any proceedings against the petitioner's aforesaid lands under any of the provisions of Tamil Nadu Land Reforms (Fixation of Ceiling of Lands) Act, 1961.

For Petitioners : Mr.L.Chandrakumar
For Respondents : Mr.R.P.Murugan Raja
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Declaration declaring the first respondent's proceedings made in Tamil Nadu Government Gazette (Revenue Department) No.12A dated 28.03.2001, in so far it pertains to the schedule of substitution of the surplus lands of Jayalakshmi Ammal, including the petitioner's agricultural lands in 0.14.0 Hectares (35.00 acres) in S.No.38/3A, 0.17.5 Hectares (44.00 acres) in S.No.38/12B, 0.10.5 Hectares (26.50 acres) in S.No.38/2D, 0.09.5 Hectares (23.75 acres) in S.No.38/2E, 0.15.0 Hectares (37.50 acres) in S.No.39/4, 0.07.5 Hectares (18.75 acres) in S.No.39/1A, 0.09.5 Hectares (23.75 acres) in S.No.39/3B and 0.09.0 Hectares (22.50 acres) in S.No.41/3D, all of Edur Village, Gummidipoondi Taluk, Thiruvallur District as unconstitutional, arbitrary, ultra vires, malafide and against all provisions of law and natural justice and further direct the respondents not to take any proceedings against the petitioner's aforesaid lands under any of the provisions of Tamil Nadu Land Reforms (Fixation of Ceiling of Lands) Act, 1961.

2.The learned counsel appearing for the petitioners submitted that the deceased petitioner purchased the subject lands from one Jayalakshmi Ammal through un-registered document. As against the petitioner's vendor, land reforms proceedings



were initiated and after following due procedures 18 (1) Notification was issued wherein the lands pertaining to the petitioner's vendor including the petitioner's lands were declared as surplus lands.

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3. The learned counsel appearing for the petitioners further submitted that as against the impugned Notification, there is effective remedy available before the second respondent in terms of the Land Reforms Act, however, instead of preferring appeal before the second respondent the petitioner has inadvertently preferred appeal before the third respondent. Hence, this Court may permit the legal heirs of the deceased petitioner i.e., petitioners 2 to 7 to file appeal before the second respondent and issue direction to the second respondent to dispose of appeal that is to be filed by the petitioners 2 to 7 as expeditiously as possible.

4. The lands pertaining to the petitioner's vendor including the petitioner's lands were declared as surplus lands. The purchase inbetween the petitioner and her vendor itself is void. However, the learned counsel appearing for the petitioners submitted that instead of preferring appeal before the second respondent, the petitioner has inadvertently preferred appeal before the third respondent.

5. Hence, considering the limited relief now sought for by the learned counsel appearing for the petitioners, this Court grants liberty to the petitioners 2 to 7 to file appeal before the second respondent, within a period of four weeks from the date of receipt of a copy of this order. If any such appeal is filed, the second respondent shall consider the same and pass appropriate orders on merits and in accordance with law as expeditiously as possible. The period during which the writ petition was pending before this Court is excluded for the purpose of limitation.

6. The writ petition is disposed of with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
Revenue Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner (Land Reforms)
Chepauk,
Chennai - 600 005.
3. The Asst. Commissioner (Land Reforms)
Villupuram Town,
Villupuram District.
4. The District Collector,
Thiruvallur District,
Thiruvallur.
5. The Tahsildar,
Gummidipoondi Taluk,
Thiruvallur District.

+lcc to Mr.L.Chandrakumar, Advocate, S.R.No.17228
+lcc to the Government Pleader, S.R.No.17812

W.P.No.20503 of 2009 And
M.P.No.1 of 2009

MG (CO)
CT 04/04/2022