

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.22485, 23743 and 23744 of 2009
and M.P.Nos.1 to 3 of 2009 (in all cases)

K.Kosaladevi ... Petitioner in W.P.No.22485 of 2009

1.A.Karupaiya

2.Valasadurai

3.A.Murugavel ... Petitioner in W.P.No.23743 of 2009

1.V.Vijayalakshmi

2.V.Venkatesan

3.C.Chinnaswamy

4.C.Duraiswamy ... Petitioner in W.P.No.23744 of 2009

Vs.

1. The Secretary to Government,
Revenue Department,
St.George Fort,
Chennai.

2. The Director of Land Reforms,
Elilagam, Chennai 5.

3. The Joint Commission (Land Reforms)
2nd Floor Opp, fire service station,
Gandhiji Road, Erode I

4. The Tahsildar,
Office of Tahsildar,
Udumalaipet (taluk),
Tiruppur District.

... Respondents in all petitions

Common Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the 1st respondent in his proceedings the notification in G.O.Ms.No.1043 dated 13.11.1995 insofar as the land in S.F.No.701/449 situated at Kallapuram Village, Udumalai (TK), Tirupur District and quash the same.

For Petitioner in all petitions : Mr.S.Kumar

For Respondents in all petitions: Mr.G.Nanmaran
Special Government Pleader

Common Order

The petitioners have filed these writ petitions seeking issuance of Writ of Certiorari to call for the records of the 1st respondent in his proceedings the notification in G.O.Ms.No.1043 dated 13.11.1995, insofar as the land in S.F.No.701/449, situated at Kallapuram Village, Udumalai (TK), Tirupur District and quash the same.

2. The case of the petitioners is that the petitioners have purchased various extent of lands in S.F.No.701/449 and they were in absolute possession and enjoyment of the said extents of land. While so, when the petitioners approached the Village Administrative Officer - Kallapuram, to get adangal extract, it came to know that old survey number 449/ new survey number 701 has been recorded as excess land under the Tamil Nadu Land Reforms (Fixation of ceiling on Land) Act, 1961 and notified under Section 18(1) of the said Act. Immediately the petitioners sent representation to the Joint Commissioner, Land Reforms (Erode) and requested him to cancel the same and issue patta in favour of the petitioners. In spite of the said representation, no action has been taken so far. While so, it also came to the knowledge of the petitioners that the Government had proposed to take the surplus land for a public purpose. Aggrieved by the same, the present petitions have been filed by the petitioners.

3. The learned counsel appearing for the petitioners submitted that the name of the owner of the land has been mentioned as Smt.Kamala Ganapathy Subramanian. However, the said Kamala Ganapathy Subramanian is not the owner of the property, the petitioners are the owners of the properties in S.F.No.701/449 and further no notice was served on the petitioners and now they are in possession of their lands, even after the notification issued by the Government in G.O.Ms.No.1043, dated 13.11.1995, which is impugned in this petition. Further the fact remains that the said notification was issued in the year 1995, however the petitioners came to know only in the year 2009. Therefore, this Court may permit the petitioner to make detailed representation to the Director of Land Reforms / 2nd respondents and thereafter said official may pass appropriate orders in accordance with law.

4. The learned Special Government Pleader appearing for the official respondents submitted that Tmt.Kamala Ganapathy

Subramaniam of Kolumam Estate held an extent of 685.26 ordinary acres in various survey number including in the Survey Number in question and as she held lands more than the ciling area of 30.000 standard acres, land ceiling proceedings were initiated against her holding under the said Act. Further the subject land to an extent of 193.38 acre in S.FNo.449 was registered in the name of Ganapathy Subramnai Iyer, K.R.Chandrasekara Iyer, Ananthakrishna Iyer, K.S.Ramamoorthy Iyer, K.R.Venkitarama Iyer, K.R.Krishna Iyer. After considering the objections of the land owners and other interested persons, an order under Section 10 (5) of the said Act was passed, declaring surplus to an extent of 629.01 ordinary acres equivalent to 245.374 standard acres. Subsequently, the land owners and other interested persons had initiated series of litigation against the order declaring the land as surplus and however, all legal forums have dismissed the appeals, revision petition filed by the land owner and finally notification under Section 18(1) of the Act was published in the Tamil Nadu Government Gazette, dated 13.11.1995 declaring an extent of 495.47 ordinary acres equivalent to 184.786 standard acres as surplus. The respondents in due process of law has initiated the land ceiling proceedings and passed the impugned proceedings and therefore, the contention raised by the petitioners in these writ petitions are devoid of merit and deserves no consideration.

5. This Court has carefully considered the rival submissions and also perused the materials available on record.

6. This Court without expressing any opinion on the merits of the case and considering the limited request made by the petitioner, grants liberty to the petitioners to make a detailed representation before the appropriate authority, if so advised and if any representation is received, the appropriate authoirty may pass appropriate orders as expeditiously as possible.

7. Accordingly, these Writ Petitions are dismissed. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Revenue Department,
St.George Fort,
Chennai.
2. The Director of Land Reforms,
Elilagam, Chennai 5.
3. The Joint Commission (Land Reforms)
2nd Floor Opp, fire service station,
Gandhiji Road, Erode I
4. The Tahsildar,
Office of Tahsildar,
Udumalaipet (taluk),
Tiruppur District.

+1cc to the Government Pleader, S.R.No.11563

W.P.Nos.22485, 23743 and 23744 of 2009

Ev(CO)
CT 24/03/2022