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W.P.No.19473 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2022

CORAM
THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.19473 of 2015

and

M.P.No.1 of 2015

M.Ganthimathi

...Petitioner

Vs.

1. The Chief Secretary,
Government of Puducherry,
Puducherry.
 2. The Commissioner of Land Reforms,
(Fixation of Ceiling on Land),
Puducherry.
 3. The Deputy Collector (Revenue) (North)
Cum Land Acquisition Officer,
Cum Authorized Officer (Land Reforms),
Puducherry.
- ...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent in his proceedings in No.7001/DC(R)N/LA/NOC/2014-15 dated 14.10.2014 and No.2504/DCR(N)/LA/2014/1476 dated 22.5.2015 and quash the same and thereby forbear the respondents from in any way interfering in the possession and enjoyment of the petitioner's property in Ward N, Block No.3, T.S.No.9/4, R.S.No.173/2PT, Cadester No.807, 731/1PT, 731/2PT, 732, 781, 782, 783 and 786, Patta No.1235 totalling 4



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Kuzhi 15 Veesam in Mudaliyarpet Commune, Murugambakkam Revenue Village, Puducherry Municipality.

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For Petitioner : Mr.N.Suresh

For Respondents : Mr.J.Kumaran, AGP (Puducherry)

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent in respect of the proceedings in No.7001/DC(R)N/ LA/ NOC/ 2014-15 dated 14.10.2014 and No.2504/DCR(N)/LA/2014/1476 dated 22.5.2015, quash the same and to consequently, forbear the respondents from in any way interfering in the possession and enjoyment of the petitioner's property.

2. The case of the petitioner is that, the subject property comprised in Ward N, Block No.3, T.S.No.9/4, R.S.No.173/2PT, Cadester No.807, 731/1PT, 732, 781, 782, 783 and 786, totally measuring an extent of 4 Kuzhi 15 Veesam situated at Mudaliyarpet Commune, Puducherry Municipality originally belonged to one Padmini Chandrasekaran and the same was purchased by one Devaraj, vide sale deed Doc.No.514/171 dated 11.03.1971, pursuant to which, patta in Patta No.1235 was issued in the



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name of the said Devaraj and his brothers. Thereafter, the said Devaraj sold the subject property in favour one Pachaiyappan and Krishnaraj, vide sale deed dated 09.03.1983. Since the said Pachaiyappan passed away, the said Krishnaraj became the absolute owner of the subject property, from whom the petitioner purchased the property, vide sale deed Doc.No.2512/1990 dated 20.08.1990 for valid sale consideration. Pursuant to the said purchase, the petitioner made representations dated 12.09.2014 and 07.04.2015, seeking issuance of No Objection Certificate (in short 'NOC') in her favour and on receipt of which, the 3rd respondent, vide letters dated 14.10.2014 and 22.05.2015 in Letter Nos.7001/DC(R)N/LA/NOC/2014-15 and 2504/DCR(N)/LA/2014/1476 respectively, stated that the subject property is covered under Land Reforms proceedings in respect of the assessee Tmt.Padmini Chndrasekaran and the possession of the lands were taken over by the Government on 31.10.1991 itself, hence, NOC could not be issued. Hence, challenging the above said letters, the present Writ petition is filed.

3. Learned counsel for the petitioner submitted that, though the subject property was originally owned by one Padmini Chandrasekaran,



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however, she has alienated the same in favour of the said Devaraj in the year 1971 itself and thereafter the same was purchased by the petitioner from her vendor Krishnaraj, who has purchased the property from the said Devaraj. Further, though the respondents claim that the Land reforms proceedings were initiated as against the said Padmini Chandrasekaran, however, no necessary mutation had been made in the revenue records and the patta in Patta No.1235 in respect of the subject property stood in the name of the said Devaraj and his brothers and believing the revenue records, in which nowhere it was mentioned about the said proceedings, the petitioner has purchased the subject property. Though the petitioner is in possession and enjoyment of the subject property from the date of purchase, till date, no notice for land reforms proceedings were issued either in the name of the petitioner or in the name of her vendor and the petitioner came to know about the same only when she approached the respondents for issuance of NOC in her favour. It is the major grievance of the petitioner that, when the land itself does not stand in the name of the said Padmini Chandrasekaran at the time of initiation of the land reforms proceedings, initiating the proceedings as against her is not sustainable. Hence, he prayed for appropriate orders.



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4. Learned Additional Government Pleader appearing on behalf of the respondents submitted that, admittedly, the land reforms proceedings were initiated against the original owner, namely Padmini Chandrasekaran and upon the Act coming into force and prior permission has to be obtained from the competent authority before alienating the property. Though the petitioner claims that she has purchased the property in the year 1990, however, more prior to that, the land reforms proceedings were initiated against the original owner and the possession itself was also taken over by the Government as early as on 31.10.1991. He further submitted that, the petitioner has come up with this Writ petition after a lapse of 25 years that too, not challenging the land reforms proceedings and by challenging the mere reply given the 3rd respondent for the representations made by the petitioner, which is not sustainable. Hence, he prayed for dismissal of this Writ petition.

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



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6. Though the petitioner claim that she has purchased the property from one Krishnaraj and pursuant to which she made representation for issuance of NOC, and from the reply she came to know about the land reforms proceedings, however, as rightly pointed out by the learned Additional Government Pleader, without challenging the land reforms proceedings, filing this Writ petition, challenging the mere communication of the authority to the petitioner, on receipt of her representation seeking NOC is not sustainable. Hence, this Court is not inclined to interfere with the orders under challenge and the prayer sought for by the petitioner cannot be acceded to. However, liberty is granted to the petitioner to workout the remedy in the manner known to law.

7. With the above observations, this Writ petition is dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

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Speaking Order : Yes/ No
Index : Yes/ No

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