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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.20264 of 2014

and

M.P.No.1 of 2014

1. S.T.K.Janarthanan
 2. S.T.K.Parthasarathi
 3. Deepa Devi
- ...Petitioners

Vs.

1. The Land Commissioner,
Chepauk, Chennai-600 005.
 2. The Assistant Commissioner (Land Reforms),
Erode.
 3. Karuppasamy
 4. Lakshmanan
 5. Chinnaan
 6. Chandrasekaran
 7. Govindaraj
 8. Palani
 9. Chinnapayan
 10. Nachimuthu
 11. Thirumoorthy
 12. Maunagurusamy
- ...Respondents
13. The Revenue Divisional Officer,
Udumalpet, Tiruppur District.
- ...13th Respondent

(R13 Suo-motu impleaded vide order dated 23.04.2021 made in W.P.No.20264 of 2014)

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in D1/2797/2012 dated 03.06.2013, quash the same and consequently allow the revision filed before the 1st respondent.



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For Petitioners: Mr.A.Sivaji

For Respondents: Mr.M.Murali, Government Advocate,
for R1, 2 & 13

O R D E R

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 D1/2797/2012 dated 03.06.2013, quash the same and consequently to allow the revision filed before the 1st respondent.

2. The case of the petitioners is that, the petitioners are the legal heirs of one Late S.T.Kannapiran. The 2nd respondent / The Land Reforms Authority has initiated proceedings as against the petitioners' father under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (herein after referred as 'Act') and declared the land of the petitioners' father comprised in Survey No.111/1, measuring an extent of 8.54 Acres, situated in Jallipatti Village as surplus land. Thereafter, the notification under Section 18(1) of the said Act was got published in the Tamil Nadu Government Gazette dated 27.06.1984 and the same was served on the petitioners' father on 26.10.1992. Since, the petitioners' father passed away, the petitioners being the legal heirs, have filed a revision petition before the 1st respondent in the year 2012 and the same was dismissed on 03.06.2013. Challenging the said order, the present Writ petition is filed.

3. Learned counsel for the petitioners submits that, though the petitioners herein, being the legal heirs of the said S.T.Kannapiran, have filed the Revision petition before the 1st respondent in the year 2012 for allowing the petition and hold that there are no surplus lands in the holdings of Late S.T.Kannapiran, the said revision was dismissed on the ground that the exemptions and exclusions are those which should have been raised by the landowner at the appropriate time and not having done so, cannot be raised by the petitioners at the distant point in time, as the limitation provided in rule 62(1) of the said Act applies. However, it is pertinent to note that without providing any opportunity to the land owner or his family members, the 1st respondent has mechanically passed the present impugned order, which is not sustainable. Hence, he prays this Court may quash the said impugned order dated



03.06.2013 passed by the 1st respondent and consequently, allow the Revision filed before the 1st respondent.

4. Learned Government Advocate appearing on behalf of the respondents 1, 2 & 13 submits that the above said land of the petitioners father was declared as surplus land and notification under Section 18(1) of the Act was issued in the year 1984 and the same was served on the petitioners' father in the year 1992. However, instead of challenging the said notification issued under Section 18(1) of the Act, the petitioners have filed a Revision petition before the 1st respondent with different prayer, that too after a lapse of about twenty one years and the same was dismissed by the 1st respondent. Hence, without challenging the notification issued under Section 18(1) of the Act, filing the present Writ petition challenging the order dated 03.06.2013 passed by the 1st respondent in D1/2797/2012, is not sustainable. Hence, he prays for dismissal of the present Writ petition.

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

6. Admittedly, the Land Reforms Authority has initiated proceedings against the petitioners' father namely, S.T.Kannapiran under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 and after following the entire procedure, the notification under Section 18(1) of the Act was issued in the year 1984 and the same was served on the petitioners' father on 26.10.1992. From a perusal of the Revision petition filed by the petitioners, it is clear that the petitioners have filed the Revision petition before the 1st respondent with different prayer and have not challenged the 18(1) notification, which was concluded in the year 1984 itself. Hence, this Court is not inclined to interfere with the impugned order dated 03.06.2013 passed by the 1st respondent. However, liberty is granted to the petitioners to workout their remedy in the manner known to law.

7. Accordingly, this Writ Petition is dismissed with liberty. No cost. Consequently, connected Miscellaneous petition is closed.

SD/-

ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



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To

1. The Land Commissioner,
Chepauk, Chennai-600 005.
2. The Assistant Commissioner (Land Reforms),
Erode.
3. The Revenue Divisional Officer,
Udumalpet, Tiruppur District.

+lcc to M/s.A.Sivaji, Advocate Sr.19971

+lcc to the Government Pleader Sr.19906

W.P.No.20264 of 2014
and
MP.No.1 of 2014

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srg 21/04/2022