



W.P.No.21149 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2022

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.21149 of 2014

and

M.P.No.1 of 2014

R.Paranthaman

. . . Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by the Secretary
Revenue Department,
Fort St.George,
Chennai-600 009.

2. The Commissioner,
Land Reforms,
Chepauk,
Chennai-600 005.

3. The Joint Commissioner,
Land Reforms,
Mayiladuthurai

4. The Assistant Commissioner,
Land Reforms,
Mayiladuthurai.

5.The Authorized Officer,
Land Reforms,
Tanjore.

. . . Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India,



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to issue a Writ or direction, in the nature of Writ of Certiorarified Mandamus calling for the entire records pertaining to the Letter No.34672/LRI(2) dated 17.07.2013 of the first respondent incorporating the order dated 19.09.2012 and made in M.R.I./65-K/58/61/TJR/A6 of the Third respondent, quashing the same, as far as the lands measuring to an extent of 6.06 acres in S.No.159 at kulichapattu Village, vide S.No.15 in the said G.O.2(d) No.418 Revenue L.R.1(2) Department dated 7.8.2006 and directing the Respondents to delete the said lands from the S.No.15 mentioned in the said G.O.2(D) No.418 Revenue, L.R.1(2) dated 7.8.2006.

For Petitioners : Mr.T.Murugamanickam, Senior counsel
for M/s.P.Chandrasekaran
For Respondents : Mr.G.Krishna Raja,
Additional Government Pleader for R1 to R5

ORDER

The present petition has been filed seeking to quash the impugned order dated 17.07.2013 passed by the 1st Respondent incorporating the order dated 19.09.2012 passed by the 3rd Respondent with respect to the lands measuring to an extent of 6.06 acres in S.No.159 at kulichapattu Village, vide S.No.15 in the said G.O.2(d) No.418 Revenue L.R.1(2) Department dated 7.8.2006 and direct the Respondents to delete the said lands from the S.No.15 mentioned in the said G.O.2(D) No.418 Revenue, L.R.1(2) dated 7.8.2006.

2. It is the case of the petitioner that he is the lawful owner of land measuring 1 acre 66 2/3 cents in S. No.158 at No.77, Kulichapattu Village, Thanjavur District, which was purchased in the year 1970. It is further



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averred that an extent of 6.06 acres was purchased by the petitioner's father in a Court auction on 23.3.1964, for which certificate was issued by the Court of Subordinate Judge, Thanjavur on 16.6.1964 and consequent upon the death of the petitioner's father on 28.12.1972, the petitioner has been in possession and enjoyment of the lands measuring 7acres 72 cents and is carrying on cultivation.

3. It is the further case of the petitioner that consequent upon the vesting of lands under the Land Reforms (Fixation of Ceiling of Land) Act, 1961, surplus lands of the petitioner stood vested with the Government and the petitioner filed special revision petition before the Land Reforms Special Appellate Tribunal, Madras in which certain direction was issued with regard to surplus lands.

4. It is the further case of the petitioner that 1.66 $\frac{2}{3}$ acres in S. No.158 and 6.06 acres in S. No.159 were declared as surplus lands under the Act and published in G.O. No.418. It is the further case of the petitioner that he was not aware of the proceedings initiated under the Act till



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14.2.2011. Coming to know of the proceedings, though the petitioner has been in continuous possession and occupation of the lands in S. Nos.158 and 159, which lands to an extent of 1.66 2/3 acres and 6.06 acres have been declared as surplus, the petitioner filed W.P. No.24453/2011 in which this Court, vide order dated 6.9.2012 directed the petitioner to submit a detailed representation to the 1st respondent seeking deletion of land measuring 1.41 acres in S. No.158 and 6.06 acres in S. No.159 and pursuant to the said order, the 1st respondent while permitted retention of 1.41 acres in lieu of alternative surplus lands, however, rejected the claim of the petitioner with regard to 6.06 acres on the ground that no alternative surplus lands are available for swapping. Aggrieved by the said order, the present petition has been filed.

5. Though very many grounds have been raised by the petitioner in the affidavit filed in support of the writ petition, however at the time of hearing, learned counsel for the petitioner submits that the petitioner's father having purchased the property in the Court auction on 16.6.1964 and the Act 58 of 1961 having already been held to be unconstitutional by the



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Hon'ble Apex Court in the decision in *A.P.Krishnaswami Naidu & Ors.* –

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Vs – State of Madras (1964 (7) SCR 82), on 9.3.1964, and the new enactment having come into force only in the year 1970, the purchase made by the petitioner's father cannot be the subject of land reforms proceedings and in the aforesaid backdrop, learned counsel for the petitioner prays that the petitioner may be granted liberty to challenge the original proceedings initiated under the Land Reforms Act, as the said proceeding was initiated without jurisdiction.

6. Though an exhaustive counter has been filed on behalf of the respondent, however, in view of the submission of the learned counsel for the petitioner, learned Government Advocate appearing for the respondents has no objection for granting liberty to the petitioner to challenge the original proceedings.

7. In view of the fair stand taken by the learned counsel appearing on either side, recording the submissions advanced by the learned counsel on either side, this writ petition is dismissed by granting liberty to the



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petitioner to work out his remedy in the manner known to law. No costs.

Consequently, the connected miscellaneous petition is closed.

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NHS

Index : Yes / No

Internet : Yes / No



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To

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M.DHANDAPANI, J



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