



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.11041 of 2009

1.K.Natarajan
2.Tmt.Chandrakantha
3.Tmt.Soundaralakshmi

...Petitioners

Vs.

The Assistant Commissioner,
(Land Reforms)
No.9-B MRC Complex,
Sethuraman Pillai Colony,
TVS Toll Gate,
Tiruchirapalli - 20

...Respondent

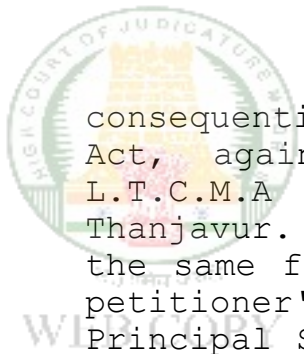
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings in R.C.No.MR1/2J/58.61/A2, dated 29.09.2009 issued by the respondent and quash the same.

For Petitioners	: Mr.Raguvaran Gopalan
For Respondent	: Mr.A.Baskaran
	Additional Government Pleader

O R D E R

This writ petition has been filed as against the order passed by the respondent in R.C.No.MR1/2J/58.61/A2, dated 29.09.2009, under the Tamil Nadu Land Reforms (FCL) Act, 1961.

2.The case of the petitioner is that the petitioners are the children of late Krishnasamy Reddiar and Jayalakshmi Ammal. The father of the petitioners died on 16.02.1958 and their mother died during 1991. The petitioner's mother inherited the property of the petitioner's father as well as her maternal mother. The respondent initiated the proceedings as against the petitioners that they are possessing excess land over above the ceiling limit that they were holding 158.699 standard acres as on 06.04.1960 and further held that the land owners were entitled to retain 50 standard acres including Sridhana lands. It was declared that the remaining extent of 108.699 standard acres of the land owners as surplus lands as on 06.04.1960. Pursuant to the order of the authorized officer,



consequential notification has been made under Section 10(5) of the Act, against which, the petitioner's mother filed an Appeal L.T.C.M.A No.15/1987 before the Court of the Land Tribunal in Thanjavur. The Land Tribunal set aside the said order and remanded the same for passing suitable orders. Aggrieved over the same, the petitioner's mother preferred C.R.P.No.2238 of 1989, before the Principal Seat of this Court. In the meantime, the petitioner filed W.P.No.2745 of 1989 challenging the Notification dated 15.02.1989. On constitution of the Tamil Nadu Land Reforms Special Appellate Tribunal, the above cases have been transferred to the said Tribunal and numbered as TRP.490/91 (CRP No.2238/89) and TRP 507/91 (WP.No.2745/89) dated 17.02.1995. The Special Appellate Tribunal upheld the orders of Land Tribunal in two grounds and remitted the matter to the Assistant Commissioner to enquire as to whether the properties held by Krishnasamy Reddiyar were ancestral in his hands and whether his son had a right by birth to a half share. After enquiry, the Assistant Commissioner arrived at a conclusion that there is a surplus of 135.94 ordinary acres equivalent to 81.450 standard acres of lands as on 06.04.1960 and the petitioners were directed to specify the list of surplus lands to be surrendered, failing which, the surplus lands will be selected under Section 10 (3) of the Act. Aggrieved over the same, the petitioner preferred an appeal under Section 78 of the Act, before the Tamil Nadu Land Reforms Tribunal. As the post of Chairman of Tribunal is vacant at that relevant point of time, the petitioner filed this writ petition.

3.The learned counsel appearing for the petitioner submits that now the Officer of the Appellate Authority has been filled up and he will work out his remedy before the Appellate Authority.

4.Recording the submission made by the learned counsel appearing for the petitioner that the petitioner has already invoked the statutory appeal and the same is pending before the Appellate Authority, this writ petition is disposed of, with a liberty to the petitioner to work out his remedy before the Appellate Authority/District Revenue Officer, Trichy in the appeal, which he already filed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vrn



To

The Assistant Commissioner,
(Land Reforms)
No.9-B MRC Complex,
Sethuraman Pillai Colony,
TVS Toll Gate,
Tiruchirapalli - 20

+1 CC to M/s.K. PRABHAKAR, Advocate (SR-20658[F] dated 22/04/2022)

+1 CC to M/s.SPL.GP (SR-20134[F] dated 21/04/2022)

ORDER MADE IN
W.P (MD) No.11041 of 2009
20.04.2022

CK (CO)

GC (30.05.2022) 3P 4C