



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2022

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.14837 of 2011

- 1.Perumal
- 2.Chennammal
- 3.Simson
- 4.Nisha

... Petitioners

Vs.

- 1.The Land Commissioner (Land Reforms),
Office of the Commissioner of Land Reforms,
Chepauk, Chennai-5.

- 2.The Director of Land Reforms,
Office of the Director of Land Reforms,
Chepauk, Chennai-5.

- 3.The Assistant Commissioner (Land Reforms),
Office of the Assistant Commissioner (Land Reforms),
Murugankurichi, Tirunelveli-627 002,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the second respondent in his proceedings Ref.No.I1.12444.2009 (L.Ref), dated 27.04.2010, quash the same as illegal and further directing the respondents to handover the properties bearing following survey numbers, Survey No.346/6-New Survey No.346/6, to the extent of 1 acres 64 cents, Survey No.347/2-New Survey No.347/2, to the extent of 3 acres 00 cents, Survey No.347/2-New Survey No.346/3, to the extent of 3 acres 00 cents, Survey No.347/2-New Survey No.346/4, to the extent of 3 acres 00 cents, Survey No.347/2-New Survey No.346/5, to the extent of 0 acres 80 cents and Survey No.347/2-New Survey No.346/6, to the extent of 3 acres 00 cents situates in D.Duraisampuram Village, Ottapidaram Taluk, Thoothukudi District to the petitioners by exchanging in their other lands.

For Petitioners : Mr.S.Muthuvinayagam

For Respondents : Mr.D.Sasikumar

Additional Government Pleader



ORDER

The present Writ Petition has been filed challenging an order passed by the first respondent in which the revision filed by the writ petitioners under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land Act, 1961) purported to be under Section 82 of the said Act was rejected on the ground of limitation.

2. Admittedly, the petitioners' lands were declared as surplus and notification was published in the gazette under G.O.M.S.No.739, dated 03.09.1998. The writ petitioners have got a statutory revisional remedy before the first respondent. As per the Rule 62 of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land Act, 1961), the revision should be presented within a period of sixty days from the date of publication in the gazette. However, the writ petitioner has chosen to present a representation on 29.12.2009 after a lapse of so many years. This representation has been rejected under the impugned order by the first respondent. When a period of limitation is fixed under a particular enactment and the statutory authority is not provided with any liberty to condone the delay, the writ Court cannot exercise its discretion to condone the delay, in view of the settled position of law. I do not find any illegality or infirmity in the order passed by the first respondent by rejecting the revision petition which was filed beyond the period of sixty days as stated supra.

3. The Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (Admin I)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

btr

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Land Commissioner (Land Reforms),
Office of the Commissioner of Land Reforms,
Chepauk, Chennai-5.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Director of Land Reforms,
Office of the Director of Land Reforms,
Chepauk, Chennai-5.

3.The Assistant Commissioner (Land Reforms),
Office of the Assistant Commissioner (Land Reforms),
Murugankurichi, Tirunelveli-627 002,
Tirunelveli District.

+1 CC to M/s.S. MUTHUVINAYAGAM, Advocate (SR-26245[F] dated
16/06/2022)

+1 CC to M/s.SPL.GP (SR-26154[F] dated 16/06/2022)

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MGJ(24.06.2022) 3P 6C