



W.P.(MD).No.14847 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.14847 of 2012

and

M.P.(MD)Nos.1 and 2 of 2012

S.Arun Kumar

... Petitioner

Vs.

1.The Special Commissioner and
Commissioner of Land Reforms,
Ezhilagam, Chepauk,
Chennai-600 005.

2.The Joint Commissioner (Land Reforms),
Thirunelveli.

3.The Assistant Commissioner,
Land Reforms,
Thirunelveli.

4.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

5.The National Fire Works Factory
by its Partners,
Sivakasi.

... Respondents

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



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India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the proceedings of the Joint Commissioner (Land Reforms) Thirunelveli, the second respondent herein, dated 07.02.2011, made in A1/MR/32N/SAT and to quash the same.

For Petitioners	: Mr.G.Meenashi Rama Prabhu
For R1 to R4	: Mr.N.Muthu Vijayan Special Government Pleader
For R5	: Mr.S.Parthasarathy

ORDER

The present writ petition has been filed challenging the order passed by the 3rd respondent herein under which revenue records were restored in the name of the original owners on the ground that proceedings under the Tamil Nadu Land Reforms Act, 1961, have been set aside.

2. According to the learned Counsel for the petitioner, the lands of the 5th respondent herein were declared as surplus under section 12 and consequential notification was issued under section 18 (1) of Tamil Nadu Land Reforms (Fixation of Ceiling of Land) Act 1961. The said notification was challenged by the 5th respondent herein before the first



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respondent. The first respondent by his order, dated 07.05.1997, has allowed the revision petition filed by the 5th respondent and has set aside the final statement under section 12 and the notification issued under section 18 (1) of the said Act. Thereafter, consequential order has been passed by the 3rd respondent herein on 07.02.2011, where he has directed restoration of revenue records in the name of the 5th respondent herein. This consequential order of the 3rd respondent herein is challenged in the present writ petition.

3. According to the learned Counsel for the petitioner, when the lands have been declared to be surplus, the 3rd respondent ought not to have restored the patta in the name of the 5th respondent herein. However, the learned Counsel for 5th respondent had pointed out the order passed by the first respondent herein on 07.05.1997, under which the very notification under Section 18(1) of the Act has been set aside.

4. According to the learned Counsel for the respondents, the order impugned in the writ petition is only a consequential order without



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challenging the order passed by the first respondent herein on 07.05.1997.

5.The facts narrated above will clearly disclose that the petitioner has only challenged the consequential order, dated 07.02.2011, passed by the 3rd respondent herein in compliance of the order passed by the first respondent herein on 07.05.1997. Without challenging the order of the original authority, dated 07.05.1997, the writ petition filed challenging the consequential order of the third respondent herein is not maintainable.

6.In view of the above said facts, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes / No

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To

WEB COPY

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- 3.The Assistant Commissioner,
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- 4.The Tahsildar,
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WEB COPY



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R.VIJAYAKUMAR ,J.

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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.

Order made in
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11.08.2022