



W.P.No.2113 of 2000

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU
AND
THE HONOURABLE MRS. JUSTICE K.KUMARESH BABU**

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1. N.Muthulakshmi Ammal
2. A. N.Anandapadmanabhan-Deceased
3. A.N.Ananda Ramakrishnan
4. A.N.Ananda Selvakumar
5. A.Jayalakshmi
6. Lalitha
7. A.N.Ananda Ramasubbu
8. A.Veeraraghavalakshmi
W/o A.N.Anandapadmanabhan
9. A.Subbulakshmi,
D/o A.N.Ananda Padmanabhan
10. A.Gowri,
D/o A.N.Ananda Padmanabhan
11. A.Shanthi,
D/o A.N.Ananda Padmanabhan



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12. A.Saroja

D/o A.N.Ananda Padmanabhan

13. A.Narayanan

S/o A.N.Ananda Padmanabhan

14. A.Jothi Ganesh

S/o A.N.Ananda Padmanabhan

15. A.Radha

D/o A.N.Ananda Padmanabhan

16.A.Latha

D/o A.N.Ananda Padmanabhan

P8 to P16 are substituted as LR's
of the deceased petitioner /P2
as per order dated 11.11.2019 made
in WPMP.No.1331/2008 in
W.P.No.2113/2000 by MMSJ & TKRJ)

..Petitioners.

Vs.

1. The Revenue Divisional Officer,
Tirunelveli
(R1 substituted as per
order dated 3.12.2019 made in'
WMP.No.33592/2019
in W.P.2113/2000 by RPSJ & RPAJ)

2. The District Revenue Officer,
(Land reforms)
Chennai – 5.

3. Tamil Nadu Land Reforms Special
Appellate Tribunal, Santhome,
Chennai – 4.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India to issue

a Writ of Certiorarified Mandamus to call for the records relating to the Special Revision petition 29/99 passed by the Tamil Nadu Land Reforms Special Appellate Tribunal dated 30.11.1999 confirming the order in MRI/69/A/TNV/17-70 passed by the Assistant Commissioner of Land reforms Tirunelveli dated 26.10.1996 and quash the same and forbear the 1st respondent from taking possession of any surplus land from the petitioners.

For Petitioner : Mr.Subramanian
for Mr.A.R.Nixon

For Respondents : Mr.R.Silambannan,
Additional Advocate General
assisted by Mr.P.Gurunathan,
Additional mGovernment Pleader
and Mr.M.Babu Barveez
Government Advocte

ORDER

This writ petition has been filed challenging the order of the Special Appellate Tribunal of Tamilnadu Land Reforms, dated 30.11.1999.

2. Pending this writ petition, a claim was made by the land owner stating that out of the lands that were taken for consideration, 41.13 acres does not belong to the petitioners. This Court, after taking into consideration, the earlier status report filed by the Government on 10.11.2022 had passed the following order.



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3. This Court is of the view that the respondents shall consider the petitioners' case of disowning the land to an extent of 41.13 ordinary acres as detailed in the affidavit (amended vide order of this Court dated 28.10.2019 in WMP.No.13324/2018 in WP.No.2113/2000) filed by the petitioner.

4. A situation may arise where the respondents may not be in a position to meet the defence of some third parties. Therefore, the respondents shall verify the Revenue Records and registered transactions by getting encumbrance certificate in respect of all the lands, which are disowned by the petitioners and file a report before this Court.

5. At the request of the learned Senior Counsel appearing for the petitioners, the petitioners are permitted to appear before the respondents when enquiry is conducted to ascertain whether the lands about 41.13 acres belong to the family of the petitioners or not or whether the property measuring about 41.13 acres have been wrongly included in the partition deed.

3. Today, Mr.R.Silambannan, learned Additional Advocate General had filed a further status report wherein it has been indicated that the claim of the petitioners as regards the inclusion of 41.13 acres, is correct. The relevant portion of the status report is extracted hereunder.



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8. *It is respectfully submitted that the lands measuring 41.13 OAs equivalent to 10.282 S.As in Pudukulam Village are not owned by the land owner at any stage. If the above lands are deleted from the holdings of the land owner, the holdings of the Land Owner may be redetermined as follows.*

	<i>Ordinary Acre</i>	<i>Standard Acre</i>
<i>Total lands held by the Land Owners as on 15.2.70</i>	243.47	62.990
<i>Deduct 2 major sons share (1/5x2)</i>	97.38	25.196
	-----	-----
	146.09	37.794
<i>Net holdings</i>		
<i>Lands not owned by the Land owner</i>	41.13	10.282
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	104.96	27.512
<i>(ceiling area allowed 7 members)</i>	--	25.000
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<i>Surplus</i>	--	2.512
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4. In view of the above admitted position, the proceedings of the Special Appellate Tribunal, taking into consideration that the petitioners had owned this 41.13 acres would have to be revisited and on this simple ground the same has to be set aside.

5. Learned counsel appearing on behalf of the petitioners would state that the present proceedings is at the stage of passing orders under section



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10(5) of the Tamil Nadu Land Reforms Act by the 1st respondent. As per the

status report filed today, it has been indicated that there is excess of 2.512

standard acres which claim has been disputed by the learned counsel for the

petitioners. Therefore, the 1st respondent shall give an opportunity to the

petitioners with regard to the present claim of surplus land of 2.512 standard

acre, after giving an opportunity to the petitioners and pass appropriate orders

within a period of twelve weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

(J.N.B,J.) (K.B, J.)

11.08.2023

Index : Yes / No

Internet : Yes

vsi

To

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