



W.P.No.8259 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.8259 of 2023

M.Ramamoorthy Reddiar

...Petitioner

Vs

- 1.The Union of India,
Rep. by its Chief Secretary,
Government of Puducherry,
Puducherry.
- 2.The Collector cum Special
Secretary for Revenue,
Government of Puducherry,
Vazudavur Road, Puducherry.
- 3.The Authorised Officer cum Deputy
Collector (Revenue) (South),
Government of Puducherry,
Puducherry.
- 4.The Special Officer,
Department of Revenue and
Disaster Management,
Government of Puducherry,
Puducherry.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to defreeze the Guideline Rate Value (GLR Value) in respect of land situated in (i) R.S.No.105/1pt, Cad.No.7/4, measuring 0-03-05, (H.A.C), (ii) R.S.No.105/1pt, Cad No.7-5/2, measuring 0-03-20 (H.A.C), (iii) R.S.No.105/1pt, Cad No.7/2, measuring 0-15-65 (H.A.C), (iv) R.S.No.109pt, Cad.No.289-2/1 measuring 0-14-45 (H.A.C) (v) R.S.No.102/4, Cad No.159/2, measuring 0-01-75 (H.A.C), Kodathur Village, Bahour Taluk, Puducherry.

For Petitioner : Mr.M.Thamizhmani

For Respondents : Mr.A.Tamilvanan,
Additional Government Pleader

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner's father was originally assessed under the Pondicherry Land Reforms (Fixation of Ceiling on Land) Act, 1973. Challenging these orders passed, the petitioner's father had preferred appeals before the Tribunal in L.T.C.M.A.Nos.6 and 7 of 1976 and by a



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common order dated 10.03.1976, the appeals came to be allowed. When the petitioner herein, after attaining majority, had sought for exclusion of the subject lands from the land ceiling proceedings, the third respondent claimed to have preferred a revision before this Court in the year 1977 and therefore, his request for exclusion of the lands from the land ceiling proceedings was rejected. In view of the earlier land ceiling proceedings, the Guideline Rate (GLR) Value of the said lands was frozen at zero value. The petitioner now seeks for de-freezing the GLR value in respect of the subject lands, in the present writ petition.

3. The learned counsel for the petitioner submitted that though he had verified the High Court records, there was no revision filed by the respondents herein, as against the original order dated 10.03.1976 passed in L.T.C.M.A.Nos.6 and 7 of 1976

4. Per contra, the learned Additional Government Pleader for the respondents submitted that, as against the order of the Tribunal, they had preferred a revision in C.R.P.Sr.Nos.41533 and 41534 of 1977 and that in view of the decision of the Hon'ble Supreme Court in Civil Appeal



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Nos.135/79, 1625/79 and 4646/94 arising out of S.L.P.No.6468 of 1980, the provisions of the Land Ceiling Act does not permit exclusion of the share of the minor son, after he attains majority.

5. The Civil Revision Petitions claimed to have been preferred by the respondents in the year 1977 are still not taken on file.

6. The learned counsel for the petitioner has specifically stated in his affidavit that he had made enquiries before the Registry of this Court and has found that no such petitions are pending. Even otherwise, this Court is unable to apprehend as to how a revision, which is claimed to be filed and still in the SR stage, after 47 years, could be taken up for any consideration. When it is specifically stated in the affidavit filed in support of the Writ Petition that no such Civil Revision Petition is pending before this Court and the respondents have not controverted such a statement in their counter affidavit, apart from stating that the status of the CRP could not be traced in their own office, as well as in the office of the Government Pleader [Pondicherry], this Court is of the view that no such revision is pending and that the order passed by the Land



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Tribunal, Pondicherry in L.T.C.M.A.Nos.6 and 7 of 1976, dated 10.03.1976, has become final. In view of this, the title over the subject lands would automatically be reverted to the name of the petitioner herein and therefore, the GLR Value, in respect of the subject lands, requires to be de-frozen.

7. Insofar as the ground raised by the learned Additional Government Pleader that the Land Ceiling Act does not permit exclusion of the minor son's share over the properties concerned, such a ground ought to have been taken up by them during the original proceedings before the Land Tribunal or the same should be raised by way of a revision. Having failed to do so, it is now not open to the respondents to go into the merits of the action initiated by them under the Land Ceiling Act. As observed earlier, since the order of the Land Tribunal has become final, the title over the lands stands vested with the petitioner herein and therefore, he would be entitled for the relief sought for in the Writ Petition.

8. In the light of the above observations, there shall be a direction



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to the respondents 1 and 2 herein to forthwith pass orders, de-freezing the Guideline Rate Value (GLR Value), in respect of the lands situated in

(i) R.S.No.105/1pt, Cad.No.7/4, measuring 0-03-05, (H.A.C); (ii) R.S.No.105/1pt, Cad No.7-5/2, measuring 0-03-20 (H.A.C); (iii) R.S.No.105/1pt, Cad No.7/2, measuring 0-15-65 (H.A.C), (iv) R.S.No.109pt, Cad.No.289-2/1 measuring 0-14-45 (H.A.C); (v) R.S.No.102/4, Cad No.159/2, measuring 0-01-75 (H.A.C), Kodathur Village, Bahour Taluk, Puducherry, within a period of two weeks from the date of receipt of a copy of this order.

9. Accordingly, the Writ Petition stands allowed. No costs.

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Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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