



WEB COPY

W.M.P.No.11196 of 20
W.P.No.11313 of 2023



W.M.P.No.11196 of 2023 in
W.P.No.11313 of 2023

S.M.SUBRAMANIAM.,

The writ petition has been filed challenging the order passed by the second respondent / Appellate authority in proceedings dated 07.03.2023. For the continuance of the interim order, the prima facie case, if any made out is to be ascertained by this Court.

2. The learned senior counsel appearing on behalf of the contesting respondents relied on the findings of the appellate authority which reveals that the writ petitioner owns more than 30 acres of land and therefore, he is not entitled for declaration as a cultivating tenant under the provisions of the Tamil Nadu Land Ceiling Act.

3. When the writ petitioner is the owner of the vast extent of land, he is not entitled for the relief as such sought for in the present writ petition. The ceiling fixed under the Act is five standard acres and that being the findings of the authority, the petitioner has not established a prima facie case for the purpose of grant of interim order.



WEB COPY



4. The counter filed by the second respondent reiterates that the petitioner is a big landowner who owns more than 30 acres of land and as per section 60 of the Act, 1961, the cultivating tenant's "ceiling area" means five standard acres held by any person partly as cultivating tenant and partly as owner or wholly as cultivating tenants. As such the petitioner is not a cultivating tenant and in order to overcome section 60, the petitioner has settled the said lands upon his sons and daughters. Moreover, the petitioner has constructed a house on the subject land without the consent of the landowner. As such, the petitioner has spoiled and wasted the subject land. By considering the said fact, the appellate authority rejected the claim of the writ petitioner through impugned order.

5. The subject property situates in North Coimbatore and a valuable property. It is a sub urban area of Coimbatore city. This being the factum, the petitioner is not entitled for an interim order or its continuance. Consequently, the interim order granted in W.M.P.No.11196 of 2023 stands vacated and the official respondents are directed to initiate all appropriate actions. The other issues raised are to be adjudicated during the final hearing of the writ petition. Accordingly, W.M.P.No.11196 of 2023 stands dismissed.



W.M.P.No.11196 of 20
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6. Registry is directed to list the writ petition for final disposal next

week

31.08.2023

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WEB COPY



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S.M.SUBRAMANIAM, J.

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31.08.2023