



A.No.2595 of 2022

A.Nos.2595, 1814, 1813, 1816, 1815, 2596, 2597 & 2598 of 2022

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**Reserved on
17.04.2023**

**Delivered on
05.06.2023**

K.KUMARESH BABU., J

These applications have been filed by the Revenue officials as also the Principal Secretary/Commissioner of land reforms seeking to implead themselves as party defendants in the Suit.

2.The Suit has been preferred seeking for various prayer as regards to JET associates, who is arrayed as the 6th defendant in the Suit. The claim made in the Suit is that late Dr.Jeppiaar have formed a partnership under the name and style of “JET Associates” and partnership of the said firm vested with late Jeppiaar as the managing partner and the first defendant in the Suit as a working partner. The 6th defendant has purchased various parts of land. Dr.Jeppiaar died intestate on 18.06.2016, leaving behind the plaintiff, defendants 1,2,4 & 5 as his legal heirs entitled to his estate. As there were only two partners in the 6th defendant partnership on the death of one of the partners, the firm had stood dissolved by operation of law. However, the defendants 1, 2 & 3 which have colluded together and fabricated various documents to hijack not only the 6th defendant and also trust which had been formed by late Jeppiaar. Hence, the plaintiff had with other trustees, already initiated a Suit in C.S.No.907 of 2017 for



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various reliefs. The fifth defendant had also filed a Suit in C.S.No.908 of 2017 invoking the powers of this Court under Section 92 CPC and the present suit had been filed as regards to the 6th defendant which is the partnership firm. It is to be noted that the instant suit had been decreed by way of recording a Memorandum of Understanding (MoU) that has been entered into between the parties by judgment dated 09.07.2018. A further application had been filed for appointment of an Advocate Commissioner to divide the properties as per the MoU in which this Court had appointed an Advocate Commissioner.

3.It was brought to the notice of this Court that a Nationalised Bank had taken out an application before the National Company Law Tribunal based upon the debts that were due to it. Hence further applications were filed seeking to sell certain properties to satisfy the dues of the said Nationalised Bank. Even though, this Court had permitted for sale of the property through the Advocate Commissioner, an Intra Court Appeal had been filed against the order dated 29.03.2022, made in Application No.3070 of 2020 in the instant Suit and the Hon'ble Division Bench of this Court had granted interim stay of the proceedings which is still continue. In the interregnum, these applications have been filed seeking to implead the State on the ground that such large lands holding cannot be held by an individual, as the same is in contravention to



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the provision of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (hereinafter referred to as “Act”).

4.The learned Additional Advocate General appearing on behalf of the applicants seeking to implead themselves as the party defendants to the Suit, would submit that the holdings of the lands in violation of the ceiling limit had come to the knowledge of the authorities only on looking at a paper advertisement, which had been issued for sale of a land, pursuant to the orders of this Court. Immediately thereafter, the authorities under the Land Reforms Act had issued notice under Section 20 of the Act. He would further submit that Section 7 of the Act prohibits a person to hold the land in excess of the ceiling limit. He would further submit that the every land holder should have submitted the returns as to his holdings. Section 19 of the Act provides the declaration to be filed by the transferee of a land. He would also submit that Section 20 provides for a deemed title on the Government of lands which are being held in excess of the ceiling limit. He would submit that in the duty is cast upon the owner of the lands after the notification of the Act to submit a declaration in form-15 as prescribed under the Act. In the present case, he would submit that with respect of huge holdings by a family, no declaration or submissions have been made which contravenes the provisions of the Act. He would further submit that Application No.2596 of 2022 had



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been filed by the Principal Secretary/Land Commissioner, as he is the head of the department and the Supervising Authority for the successful implementation of the Act.

Therefore, he would submit that all the applicants in the impleading applications are necessary parties to the Suit, since as per the deemed provisions of Section 20 of the Act, the Government is the owners of the land.

5.Countering his submissions, the learned counsel appearing for the respondents would submit that the instant Suit had been decreed based upon the compromise that had been entered into between the parties. A final decree application had been filed and also an application to appoint an Advocate Commissioner had also been filed to identify the properties as per the compromise decree. He would further submit that at that present stage, there is no necessity for impleading the respective proposed respondents. He would further submit that the notice relied upon by the applicants issued under Section 20 of the Act dated 12.04.2022, had been set aside by this Court in entertaining a Writ proceedings on 19.07.2022, with a liberty to them to issue fresh notice. He would further submit that there is no lis to be decided in the present suit, as the lis had been already concluded by way of entering a compromise memo entered into between the parties based upon which the Suit had already been decreed. What is pending before this Court only an application under which Advocate Commissioner has



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been appointed to identify the properties as per the MoU to be allotted to the respective parties. The applicants do not have any right whatsoever at that stage of the matter and hence he would seek this Court to dismiss these applications.

6.I have heard the rival submissions made on either side and perused the materials placed on record.

7.These applications had been filed seeking to implead the authorized officers under the Act on the allegations that the lands held by the family of late Jeppiaar is in excess of the lands ceiling limit provided under the Act. The allegations have been made against late Jeppiaar and his family members that they had failed to submit their returns as required under the Act, particularly Section 8 of the Act. The lis in this Suit is with regard to the 6th defendant constitution and the lis seems to have been settled by a memo of compromise between the respective parties, which had been recorded by this court and a judgment and decree had also been passed as early as on 09.07.2018. It is also pertinent to note that the Suit had already been disposed of and what is pending before this Court are only applications seeking for an appointment of Advocate Commissioner to identify the properties to be allotted to the respective parties as per the MoU. In view of the matter, that the Suit had already been disposed of by this



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Court, the present impleading applications seeking to implead themselves in a disposed Suit, in my view are not maintainable.

8.The applicants, hence misconceived the status of the Suit, have filed an applications seeking to implead themselves as party defendants to the Suit to contest their claim, when the Suit itself has been disposed of, there is no question of them to contest their claims. An allegation has been made as against late Jeppiaar and his family members for not submitting their returns. They may be at fault in not submitting their returns.

9.It is also pertinent to note that Section 9 of the Act also clothes power to the authorised officer to collect information of a person who hold or is deemed to have hold the land in excess of ceiling area and if he fails to furnish his return under Section 8 of the Act. In this case, the respective applicants who are authorized officer seems to have not exercised their duty cast upon them under the provisions of Section 9 of the Act. For better appreciation, the aforesaid provision is extracted hereunder:-

Collection of information. - (1) If any person who has held or is deemed to have held land [in excess of ceiling area] fails to furnish the return under information section 8 or furnishes an incorrect or incomplete return under that section, the authorized officer may, by notice, require such person to furnish the return or the additional particulars, as the case may be, within the time specified in the notice, or within such further time not exceeding thirty days as the authorized officer may, in his discretion, allow.



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(2) (a) *Where any person, on whom notice under sub-section (1) has been served, fails to furnish the return, or the additional particulars, as the case may be, within the time specified in that notice, or within the further time allowed by the authorized officer under sub-section (1), the authorized officer may obtain in such manner as may be prescribed the necessary information either by himself or through such agency as he thinks fit.*

(b) *The authorized officer shall, as soon as may be, after obtaining the information under clause (a), give to the person concerned a reasonable opportunity of making his representation and of adducing evidence, if any, in respect of such information and consider any such representation and evidence and pass such orders as he deems fit.*

(3) *Where the authorized officer finds from the return furnished under section 8, or under sub-section (1), or the additional particulars, if any, furnished under sub-section (1), or from the informations obtained by the authorized officer under clause (a) of sub-section (2) that the person concerned desires to hold-*

(a) (i) *any land interspersed among plantations, or*

(ii) *any land contiguous to any plantation, in existence [on the date of the commencement of this Act] in any area*

(b) ****

10. Having failed to comply with their duty cast upon them under Section 9, they cannot be heard to say that there was a failure on the part of the land owner to file their returns under Section 8 of the Act. In such circumstances and in view of the aforesaid reasoning and findings, I am of the view that the applications filed by the applicants are not maintainable.

In fine the applications are dismissed. However, there shall be no order as to costs.



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