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W.P. No.21345 and 26863 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.12.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. Nos.21345 and 26863 of 2023 and
W.M.P. Nos.20745 to 20747 of 2023

In W.P.No.21345 of 2023

A.Thiyagaraj

... Petitioner

Vs.

1. The Commissioner of Land Administration
Commissionerate of Land Administration
2nd Floor, Ezhilagam, Chepauk, Chennai - 600 005
2. The District Collector
Coimbatore District - 641 018
3. The District Revenue Officer
Coimbatore - 641 018
4. The Authorised Officer (Land Reforms)
and the Sub Collector
Pollachi-642 001
Coimbatore District
5. The Tahsildar
Kinathukadavu Taluk Office
Kinathukadavu - 642 109
Coimbatore District
6. The Sub Registrar
Negamam, Pollachi Taluk - 642 120



Coimbatore District

7. The District Environmental Engineer
Tamil Nadu Pollution Control Board-Coimbatore South
Plot No.E55A, SIDCO Industrial Estate
Kurichi, Pollachi Main Road,
Coimbatore - 641 021

8. D.Vijaya Kumar

9. M/s.Remmy Substrates India (P) Ltd.
Rep. by its Managing Director
S.F.No.295/2A, Kattampattipudur, Kattampatti Post
Kinathukadavu Taluk
Coimbatore District - 642 202 ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondents 1 to 6 to implement the order of the 4th respondent passed in proceedings No. Ne.Mu.No.3646/2022/A3 dated 14.10.2022 to resume the Government Lands measuring extent of 5.77 Acres situated in S.F.Nos.293/1B1, 293/1B2, 293/1B3, 293/1B4, 293/1B5 of Kattampatti Village, Kinathukadavu Taluk, Coimbatore District from the respondents 8 and 9 Industry forthwith.

For Petitioner : Mr.T.Mohan
Senior Counsel

For Respondents : Mr.P.Gurunathan
Additional Government Pleader
for R1 to R6 and R7
Mr.S.A.Sayed Shuhaibb
for R8 and R9



In W.P.No.26863 of 2023

D.Vijayakumar

... Petitioner

Vs.

1. Government of Tamil Nadu
Rep. by its Secretary to Government,
Revenue and Disaster Management Department
Secretariat, Chennai
2. The Commissioner of Land Administration
2nd Floor, Ezhilagam, Chepauk,
Chennai - 600 005
3. The District Collector
District Collectorate, Coimbatore
4. The District Revenue Officer
Coimbatore - 641 018
5. The Authorized Officer (Land Reforms) and
The Sub Collector, Pollachi, Coimbatore District
6. The Tahsildar
Kinathukadavu, Coimbatore District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondents to consider the petitioner's representation dated 01.11.2022 for exchange of lands in Survey Nos.293/1B1, 293/1B2, 293/1B3, 293/1B4, 293/1B5 totally measuring 5.77 Acres situated in Kattampatti Village, Kinathukadavu Taluk, Coimbatore District with the lands in Survey No.348/2 measuring 6.31 Acres situated in Kattampatti Village, Kinathukadavu Taluk, Coimbatore District, within the time to be stipulated by this Court.

For Petitioner : Mr.S.A.Sayed Shuhaibb

For Respondents : Mr.P.Gurunathan
Additional Government Pleader



COMMON ORDER

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W.P.No.21345 of 2023 is filed seeking to issue a writ of Mandamus directing the respondents 1 to 6 to implement the order of the 4th respondent passed in proceedings No. Ne.Mu.No.3646/2022/A3 dated 14.10.2022 to resume the Government Lands measuring extent of 5.77 Acres situated in S.F.Nos.293/1B1, 293/1B2, 293/1B3, 293/1B4, 293/1B5 of Kattampatti Village, Kinathukadavu Taluk, Coimbatore District, from the respondents 8 and 9 Industry forthwith.

2. W.P.No.26863 of 2023 is filed seeking to issue a writ of Mandamus directing the respondents to consider the petitioner's representation dated 01.11.2022 for exchange of lands in Survey Nos.293/1B1, 293/1B2, 293/1B3, 293/1B4, 293/1B5 totally measuring 5.77 Acres situated in Kattampatti Village, Kinathukadavu Taluk, Coimbatore District with the lands in Survey No.348/2 measuring 6.31 Acres situated in Kattampatti Village, Kinathukadavu Taluk, Coimbatore District, within the time to be stipulated by this Court.



3. The learned Additional Government Pleader appearing for the official respondents filed counter and fairly conceded that already the order has been implemented and the lands were also taken.

4. The learned counsel for the petitioner in W.P. No.26863 of 2023 submitted that though it is stated that the order has been implemented, so far possession has not been taken. He further submitted that the petitioner has filed an appeal before the District Revenue Officer.

5. At this juncture, the learned Senior counsel appearing for the writ petitioner in W.P. No.21345 of 2023 submitted that, only after filing of this writ petition, the said appeal has been filed and though the petitioner is also a party to the proceedings, he has not received any notice in the appeal from the appellate authority. The learned Senior Counsel further submitted that the appeal would not have been filed within the stipulated time of 30 days and as on date, the impugned order passed by the Authorised Officer (Land Reforms) and the Sub Collector, has not been cancelled and it is in force.

6. The learned counsel for the petitioner in W.P.No.26863 of 2023



submitted that the condition mentioned in the original assignment has not been violated. There are only two conditions in the original assignment. One of the conditions is that, within 10 years from the date of assignment, the assignee should not alienate the property. The other condition is that, if the assignee used the land for any other purpose other than agriculture, then the Government can levy the ground rent. Whereas, in this case, the assignment was granted in the year 1987 and the petitioner purchased the land only after 10 years from the date of assignment i.e. in the year 1999. Therefore, the condition in respect of alienation within 10 years has not been violated. As far as the another condition regarding usage of land for the purpose other than agriculture is concerned, the petitioner has already given a representation dated 01.11.2022 to the respondents for exchange of subject lands. The learned counsel further submitted that when the matter is pending with the Government, levying of ground rent would not arise. Therefore, this writ petition is filed only for a limited prayer to consider his representation.

7. The learned Senior Counsel in WP.No.21345 of 2023 submitted that once a land is assigned to DC/SC/ST, as per Rule 9 of Tamil Nadu Land Reforms (Disposal of Surplus Land), Rules, it cannot be sold to members



other than the members of DC/SC/ST. Therefore, the alienation of lands by the assignees to the private respondent herein, namely the petitioner in W.P.No.26863 of 2023, is against the Rule 9 of the said Rules, and therefore, the sale should be set aside. He placed reliance on the decision regarding the Panchami lands already classified as DC lands. But, the said decision would not be applicable to the present case. However, Rule 9 of the said Rules is very clear that once a land is acquired under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, declaring as a surplus land and allotted to the landless poor persons belonging to DC/SC/ST, it cannot be sold to persons other than the DC/SC/ST people and even if it is sold, it will not create a valid title to those persons.

8. In this case, admittedly, the land was acquired under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, and it was declared as a surplus land and the same was assigned in the year 1987 to 5 persons namely V.Aaron, V.Paraman, V.Saminathan, T.Perumal and T.Murugan and all of them are members of Scheduled Caste Community. The said fact is not denied by the writ petitioner in W.P.No.26863 of 2023. Therefore, the land purchased by the writ petitioner in W.P.No.26863 of 2023 is in violation of Rule 9 of the said Rules and therefore, it is illegal.



9. Accordingly, the Writ Petition in W.P.No.21345 of 2023 is allowed.

The writ petition in W.P.No.26863 of 2023 is dismissed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

10. The official respondents are directed to evict the petitioner in W.P.26863 of 2023 and allot the said land to the fit persons belongs to members of Scheduled Caste community and file an action taken report before this Court. The respondents are directed to implement the order dated 14.10.2022 passed by the Authorised Officer (Land Reforms) and the Sub Collector, within one month from the date of receipt of a copy of this order.

11. List the matter on 06.02.2024 “reporting compliance”.

19.12.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

Note Issue order copy on 03.1.2024



To

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Plot No.E55A, SIDCO Industrial Estate
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8. The Secretary to Government,
Revenue and Disaster Management Department
Secretariat, Chennai



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P.VELMURUGAN. J.

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