



WEB COPY



W.P.No.25709 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.25709 of 2014

and

M.P.No.2 of 2014

1. A.Mahaboob Hussain
Son of B.S.Akbar Hussain
 2. M.Najini Begum
W/o. Mohamed Hussain
 3. Firdose
D/o.A.Mohamed Hussain
 4. Hajira
D/o.A.Mohammed Hussain
 5. M.Yasin Hussain
S/o.A.Mohammed Hussain
- ... Petitioners

versus

The Government of Tamil Nadu
Represented by Deputy Secretary to the Government
Land Reforms, Fort St.George,
Madras.

...Respondent

Writ Petition filed under Article 226 of Constitution of India, to issue
a Writ of Certiorari, calling for the records on the file of the respondent in

Pg.Nos.1/7



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G.O.Ms.No.1026 dated 11.05.1979 and quash the same.

(Prayer amended vide order dated 28.01.2022 made in W.M.P.No.28804 of 2021 in W.P.No.25709 of 2014).

For Petitioners : Mr.V.Raghavachari
Senior Counsel
assisted by
Ms.V.Srimathi

For Respondent : Mr.P.Gurunathan
Additional Government Pleader

ORDER

The writ petition has been filed seeking to quash G.O.Ms.No.1026, Revenue Department, dated 11.05.1979.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for respondent.

3. According to the petitioners, they are the owners of the property situated in S.No.164/2, Old S.No.23, measuring an extent of 6 acres and 23 cents of Sooriyur Village, Tiruchirapalli District. The first petitioner's brother K.Mohammed Hussain had purchased the subject properties measuring an extent of 4 acres from one Alagan, son of Palayandi



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Gurukandar on 22.08.1963 and an extent of 2 acres 23 cents from one Kokilammal, wife of Alagan on 09.01.1964. The "A" register prepared in the year 1972 reflects the name of petitioners as title holders. All of a sudden, one Manokaran had attempted to interfere with the possession of the subject properties in September 2009. A complaint was also lodged with the Superintendent of Police, Tiruchirapalli and on enquiry, it came to light that a fake document was created in connivance with the revenue officials. The Superintendent of Police closed the complaint enabling the first petitioner to prefer a petition before the Revenue Department. Accordingly, the first petitioner had approached the District Collector, Trichy and presented the application seeking to correct the wrong entries made in the revenue records. The Deputy Thasildar, Trichy was called upon to conduct enquiry and on enquiry, the fraud played by Manokaran was revealed and consequently, the patta obtained by Manokaran stood cancelled. The Deputy Thasildar had submitted his report to his higher authorities on 16.12.2015. It appears that the Government of Tamil Nadu had wrongly notified the subject properties of the petitioner as surplus lands under the 'Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961'



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[hereinafter 'said Act'] vide, G.O.Ms.No.857, Revenue Department.

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4. Be that as it may, the lands were never taken over by any authority or person and the claim of Manokaran that the said lands were assigned to his vendors, is found to be false on a scrutiny of records. Hence, the petitioners are before this Court for the relief as stated supra.

5. The learned Senior Counsel appearing for writ petitioners submits that the petitioners are holding lands within the ceiling limits and hence, the provisions of said Act will not apply to the case of writ petitioners. He further submitted that 'A' register maintained by the State in respect of S.No.164/2 indicates only the names of first petitioner and husband of second petitioner and Encumbrance Certificate also does not include any other name except the aforesaid two persons. The writ petitioners are in possession ever-since from the date of purchase i.e., from the year 1963. The respondent has admitted that the vendor of writ petitioner is the owner of the subject properties and no document is available to show that the subject properties were declared as surplus lands at any point of time and



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they also admitted that wrong entries were made in the revenue records.

The writ petitioners, based on the wrong entries made in the revenue records and in order to rectify the same, filed the present writ petition.

6. The learned Additional Government Pleader appearing for the respondent submitted that, on verification of the records, it is seen that there is no material to arrive at a conclusion that the subject properties were declared as surplus lands and the same was assigned to either vendor of writ petitioners in the present writ petition, or vendor of writ petitioner in other writ petition in W.P.(MD) No.10013 of 2014.

7. On a complaint given by the writ petitioners, it is seen that the orders dated 13.09.2013 and 16.12.2013 have been passed by the the Revenue Divisional Officer, Trichy and the Tahsildar, Trichy, in which, the Tahsildar, Trichy has recommended to change the patta in favour of the first petitioner and the second petitioner and the Revenue Divisional Officer, Trichy has also confirmed the same. The aforementioned orders dated 13.09.2013 and 16.12.2013 have been challenged by one Manoharan in



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W.P.(MD)No.10013 of 2014 and the same came to be dismissed by this Court today i.e., on 10.11.2023.

8. Under such circumstances, this Writ Petition is allowed and G.O.Ms.No.1026, Revenue Department dated 11.05.1979 is hereby quashed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

10.11.2023

Speaking/Non-speaking order

Index:Yes/No

Neutral citation : Yes/No

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To
The Government of Tamil Nadu
Represented by Deputy Secretary to the Government
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Madras.



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P.VELMURUGAN, J.

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