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W.P.No.30567 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 05.09.2023

PRONOUNCED ON : 14.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30567 of 2019

and

W.M.P.Nos.30618, 30619, 30621 of 2019 & 10656 of 2020

1.R.Rajaveni (Died)

2.R.Gengusamy

3.R.Gunasekaran

... Petitioners

[P2 and P3 (already in record) are substituted as legal heirs of the 1st petitioner by order dated 05.09.2023 in WMP.No.7278/2021 in WP.No.30567/2019]

Vs.

1.The State of Tamil Nadu,
Represented by its Deputy Secretary to Government,
Revenue Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Principal Secretary & Commissioner
of Land Reforms,
Chepauk,
Chennai – 600 005.



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3. The District Revenue Officer,
Tiruppur District,
Tiruppur.

4. The Revenue Divisional Officer,
Udumalpet,
Tiruppur District.

5. The Thasildar,
Udumalpet Taluk,
Tiruppur District.

6. G. Dasamuthu

7. V. Jothimani

8. P. Jeevarathinam

9. T. Sankaranarayanan

10. V. Ranganathan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Notification in the Government Order in G.O.Ms.No.3594, Revenue Department, dated 14.10.1974 issued by the 1st Respondent and the subsequent impugned proceedings in Na.ka.No.282/2018/A2 dated 26.09.2019 issued by the 4th Respondent and to quash the same and consequently directing the Respondents 1 to 5 to restore the names of the Petitioners in the Revenue Records including Patta, Chitta, Adangal etc., in respect of the land in S.Nos.266/2, 267/2 and 268/2



Ponneri Village, Udumalpet Taluk, Tiruppur District to an extent of 16.86 acres.

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For Petitioners	: Mr.P.Wilson Senior Counsel For Mr.S.Nedunchezhiyan
For R1 to R5	: Mr.P.Kumaresan Additional Advocate General Assisted by Mr.C.Jaya Prakash Government Advocate
For R6	: Mr.Srinath Sridevan Senior Counsel For Mr.S.Raj Makesh
For R7 to R10	: No Appearance

ORDER

The writ on hand has been instituted to quash the impugned notification issued by the Government in G.O.Ms.No.3594, Revenue Department, dated 14.10.1974 issued by the 1st Respondent and subsequent impugned proceedings issued by the 4th Respondent in proceedings dated 26.09.2019 and to direct the respondents 1 to 5 to restore the names of the petitioners in revenue records including Patta, Chitta, Adangal etc., in respect of the land in S.Nos.266/2, 267/2 and 268/2 Ponneri Village, Udumalpet Taluk, Tiruppur District to an extent of 16.86 acres.

**PETITIONER'S CASE:**

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2. The 1st petitioner is wife of the Late Thiru.G.Ramasamy Naicker and mother of the petitioners 2 and 3. The petitioners state that they are the owners of the land at property comprised in S.No.266/2, 267/2 and 268/2 Ponneri Village, Udumalpet Taluk, Trippur District to an extent of 16.86 acres.

3. The petitioners state that the subject property originally belonged to Thiru.Jangama Naidu. The said Jangama Naidu had executed a settlement deed in favour of Late Thiru. G.Ramasamy Naicker in Document No.344 of 1959 dated 18.02.1959 on condition that the property will remain as "Life Estate" to G.Ramasamy Naicker and after his demise, the property will be passed on to his legal heirs and in the absence of any legal heirs, the property will be returned to the executants or their legal heirs. Thus, it was a conditional settlement made in favour of Late Thiru. G.Ramasamy Naicker. He will be the limited owner only to enjoy the property till his life time and thereafter it will be transferred to his legal heirs. There was no right of alienation conferred on the said G.Ramasamy Naicker.



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4. The petitioners state that they are the legal heirs of Late Thiru G.Ramasamy Naicker and descended his property after his demise on 13.08.2005. Thus, the petitioners have become the absolute owners of the subject property.

5. The petitioners found that the name of the Late Thiru.G.Ramasamy Naicker had been deleted from the revenue records and the names of many other individuals have been entered including the patta during Updating Registry Scheme (UDR). The petitioners submitted representation to the Tahsildar, Udumalpet Taluk for restoration of patta in their names. The Tahsildar, Udumalpet conducted an enquiry and conducted field inspection. The Tahsildar included the names of the petitioners in the patta along with other persons in the year 2017. Subsequently, the petitioners came to know that the patta have been granted to many individuals in respect of the subject property and it was declared as surplus under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961.



6. The petitioners state that no notice or proceedings were communicated to Late Thiru.G.Ramasamy Naicker, the husband of the 1st petitioner and the father of the petitioners 2 and 3. Possession has not been taken and Late G.Ramasamy Naicker was in enjoyment. Thus, the subject property remains as 'Life Estate' of the G.Ramasamy Naicker as per the settlement deed dated 18.02.1959. Late Thiru.G.Ramasamy Naicker was alive till 2005 and the said land therefore cannot be declared as a surplus land by operation of law. The individual patta holders started giving trouble to the petitioners and made false complaints to the Police. The said complaints were closed. Thereafter, the petitioners filed O.S.No.426 of 2017 on the file of the District Munsif Court, Udumalpet seeking permanent injunction. The names of the petitioners were deleted from the joint patta granted by the Tahsildar in the year 2017 and thereafter, the petitioners filed an appeal on 19.12.2017 seeking for restoration of patta. The petitioners filed W.P.No.33744 of 2017 and this Court passed an order directing the Appellate Authority to consider the same. The petitioners have submitted an appeal before the Commissioner of Land Reforms on 25.08.2017. The 2nd respondent issued orders on 28.03.2018 directing the Tahsildar, Udumalpet to initiate appropriate actions to permit the joint pattadhars to enter into the



subject land with the assistance of the Police. Since the said order was passed during the pendency of the civil suit and an appeal was preferred by the petitioners. Therefore, the petitioners filed writ petition in W.P.No.8946 of 2018. An interim stay was granted. This Court passed final orders on 28.02.2019 remanding the matter back to the 4th respondent for passing orders on merits and in accordance with law.

7. Pursuant to the orders of this Court in W.P.No.8946 of 2018, the 4th respondent conducted an enquiry and passed the impugned order dated 26.09.2019 stating that the subject land had been declared as surplus land in G.O.Ms.No.3594, Revenue Department dated 14.10.1974 under Section 18(1) of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 and conditional patta had been granted in favour of the individuals. Therefore, the names of the petitioners have been subsequently deleted from the computer patta.

8. The petitioners further state that they came to know about the Government order of the year 1974, only at the time of preferring an appeal. The petitioners secured the copy of the notification issued in



G.O.Ms.No.3594 dated 14.10.1974 under the Right to Information (RTI)

Act.

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9. The learned Senior Counsel appearing on behalf of the writ petitioners contended that no notice or opportunity was given to the Late G.Ramasamy Naicker under the provisions of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961. The original owner was in possession of the property. It is mainly contended that the Government order issued in G.O.Ms.No.3594 dated 14.10.1974 was not Gazatted as required under the provisions of the Act. In other words, no Gazette Notification was published as mandated under the provisions of the Act and therefore, the entire declaration made under Section 18(1) of the Act is null and void and cannot be operated against the original owner of the subject property.

10. The learned Senior Counsel for the petitioners further contended that Late G.Ramasamy Naicker was not conferred with the power of alienation by the settlee of the property G.Jangama Naidu. The deed of settlement confers powers to Late G.Ramasamy Naicker only as a "Life



Estate” and therefore, he was not the owner of the subject property. When Late G.Ramasamy Naicker was not holding any title or ownership, declaration made in his name is improper and in violation of the provisions of the Act. He possessed life interest in respect of the property and no notice was issued to him. That being the factum the impugned order of the year 1974 is liable to be set aside.

11. The learned Senior Counsel for the petitioners reiterated that information was provided by the Public Information Officer under RTI Act in proceedings dated 18.09.2019 to the 3rd petitioner. The respondents have communicated the Government order issued in G.O.Ms.No.3594, Revenue Department dated 14.10.1974 and further stated that the Tamil Nadu Government Gazette Notification was issued. Further, the respondents have not produced any such documents or evidence before this Court to establish that the Gazette Notification was made. In the absence of any proof to show that the Government Notification was issued, the land vests with the original owner and therefore, the declaration issued under Section 18(1) is untenable.



12. The learned Senior Counsel for the petitioners drew the attention of this Court regarding the notification issued under Section 18(1) of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 in G.O.Ms.No.3495, Revenue Department dated 04.10.1974. It was a draft notification and actual Gazette publication was not made.

13. The learned Senior Counsel relied on the judgment of the Hon'ble Supreme Court of India in the case of ***State of Mysore Vs. Abdul Razak Sahib*** reported in ***(1973) 3 SCC 196***, wherein, the Apex Court made the following observations:

“5. This very question came up for consideration before the High Court of Mysore in Gangadharaiah v. State of Mysore and Others and the High Court ruled that Section 4(1) requires that there should both be a notification in the Gazette as also a public notice in the locality in which the property proposed to be acquired is situate. It is only when the notification is published in the Official Gazette and it is accompanied by or immediately followed by the public notice, that a person interested in the property proposed to be acquired can be regarded



to have had notice of the proposed acquisition. We are entirely in agreement with the rule laid down by that decision.”

14. Relying on the above judgment, the learned Senior Counsel for the petitioners reiterated that in the present case, the procedures as contemplated under the Act had not been followed nor the Gazette Notification was published and thus, the orders impugned are liable to be set aside.

REPLY BY RESPONDENTS:

15. The respondents 1 to 5 have stated that land ceiling proceedings were initiated under Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961) 17-70 against the land owner Thiru G.Ramasamy Naicker, son of Genga Naicker, who held lands more than ceiling limit. The land owner had filed written statement, stating that he was the only Legal Heir of his father Genga Naicker and the lands to an extent of 60.28 acres in Guruvappa Naickanur Village, Kallapuram Village and Ponneri Village of Udumalpet Taluk, Tiruppur District were in his possession and enjoyment as on 15.02.1970, and the family members details



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are as follows:

1. Thiru. G.Ramasamy Naicker - Family Head
2. Tmt. Bakiyam – Wife
3. Selvi. Suganthi - Unmarried Daughter (age 9).

and also he stated that if any land is declared as surplus from his holdings, he will hand over the lands from his holdings at Ponneri Village.

16. After the field inspection it was identified that the land owner held an extent of 19.006 standard acres and his wife Tmt.Bakiyam held an extent of 7.923 Standard acres, the total extent held by the family as on 15.02.1970 was 91.47 ordinary acres equivalent to 26.929 standard Acres. The ceiling limit allowed to the Land owner family was 15.000 Standard acres.

17. A draft statement under section 10(1) of the Act was prepared by The Authorized Officer (Land Reforms), Coimbatore in MR I/38 R/17-70, dated 28.05.1973 and was published in the Tamil Nadu Government Gazette, dated 04.07.1973. In the Draft Statement dated 04.07.1973 it has been mentioned that Thiru G.Ramasamy Naicker, land owner, Tmt



Bakiyam, wife of the land owner and Selvi Suganthi, unmarried daughter are the family members. According to the draft statement the land owner held 91.47 ordinary acres equivalent to 26.929 standard Acres and after allowing 15.000 standard acres as his ceiling area under Section 5 of the Act, an extent of 45.28 ordinary acres equivalent to 11.292 standard acres was proposed to be declared as surplus. A copy of the draft statement along with form 6 were served to the land owner and his wife Bakiyam on 17.07.1973.

18. Aggrieved by the Draft statement, the Land owner and his wife have filed an objection petition on 30.07.1973 and 21.07 1973 respectively. In their objection they have requested that an extent of 36.35 ordinary acres equivalent to 9.642 standard acres at Ponneri Village may be treated as “Stridhana”, since, the lands were gifted by Tmt. Bakiyam's brothers vide documents Nos.1111/1956 and 1112/1956 dated 25.05.1956 to and in favour of Tmt. Bakiyam. No objections regarding the family members were filed by the landowner and his wife.



19. After perusal of the documents produced by the Land owner, the objections of the land owner were accepted and the orders were passed under section 10(5) of the Act by the Authorised Officer (Land Reforms), Coimbatore in his proceedings No.38R/MRI (17/70)B dated 29.10.1973 allowing ceiling area to an extent of 46.19 ordinary acres equivalent to 15.000 standard acres under Section I and allowing Stridhana lands to an extent of 36.35 ordinary acres equivalent to 9.642 standard acres under Section VI and declaring an extent of 14.09 ordinary acres equivalent to 4.006 standard acres at Ponneri Village as "Surplus". The above said order was communicated to the land owner and his wife Bakiyam.

20. On the basis of the orders under section 10(5) of the Act, Final statement under section 12 of the Act was prepared. According to Final statement based on the Sub Division records there was a difference of 0.16 cents between the extent in 10(5) orders and the extent adopted in the final statement. But there was no difference in the Standard acres. Hence, surplus to an extent of 14.25 ordinary acres equivalent to 4.006 standard acres at Ponneri Village in S.F.No.266/2, 267/2 and 268/2 was demarcated. The Final statement was published in the Gazette.



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21. Based on the Final statement, notification under Section 18(1) was published in the Tamil Nadu Government Gazette, dated 13.11.1974 declaring an extent of 14.25 ordinary acres equivalent to 4.006 standard acres in the following S.F.Nos., at Ponneri village, Udumalpet Taluk, Tiruppur District.

<i>Sl.No</i>	<i>SF.No</i>	<i>Extent in Acres</i>
1.	266/2	4.57
2.	267/2	0.76
3.	268/2	8.92
Total		14.25

22. The notification was served to the landowner by RPAD on 02.12.1974.

23. The above said surplus land to an Extent of 14.25 acres was assigned to landless poor persons by the Authorized Officer (Land Reforms) Coimbatore Ref.No.90/MRIV/dated 03.08.1975. The 'F' Patta were issued to the beneficiary on 21.09.1977 and 21.03.1991.



24. The learned Additional Government Pleader appearing on behalf of the 'State' mainly contended that Late G.Ramasamy Naicker husband of the 1st petitioner and father of the petitioners 2 and 3 had given statement before the Special Revenue Inspector that his family consist of himself and his wife Tmt.Bakiyam and Selvi Suganthi only. There were no particulars available about the writ petitioners R.Rajaveni, R.Gengusamy and R.Gunasekaran in respect of the subject land. The land comprised in S.F.No.266/2, 267/2 and 268/2 of Ponneri Village, from the holdings of Late Thiru.G.Ramasamy Naicker and the notification was issued under Section 18(1) of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961. Gazette Notification was published in Tamil Nadu Government Gazette on 04.07.1973. The surplus lands acquired were assigned to landless poor persons in the year 1975 itself by the Authorised Officer (Land Reforms Coimbatore) in proceedings dated 03.08.1975 and therefore, at this length of time the petitioners cannot have any claim over the subject property.

25. The learned Additional Advocate General drew the attention of this Court with reference to the statement given by Late Thiru.G.Ramasamy



Naicker, the documents are enclosed along with the typed set of papers by the respondents. In the statement of Late G.Ramasamy Naicker clearly stated that he is the family head Tmt.Bakiyam is his wife and Selvi Suganthi aged about 9 years during the relevant point of time was the only unmarried daughter. He has given a statement and subsequently, a draft letter was sent to the Assistant Secretary, Board of Revenue, Madras by the Authorised Officer.

26. Pursuant to the initiation of proceedings, the Government of Tamil Nadu in G.O.Ms.No.3594, Revenue Department dated 14.10.1974 declared the surplus land of Late Thiru.G.Ramasamy Naicker. In the Government order Gazette publication was also ordered. The Government order stated that “A copy of the notification as approved is sent herewith to the Director of Stationary and Printing, Madras through the Board of Revenue (Land Reforms) published.

27. The learned Additional Advocate General relying on the possession certificate signed by Late Shri.G.Ramasamy Naicker contended that the said G.Ramasamy Naicker consented and categorically stated in his



own statement that “if any land is declared as surplus through Land Ceiling Act, I will hand over the lands at Ponneri Village”. Therefore, out of entire property held by Late Thiru G.Ramasamy Naicker, he has opted to hand over the land at Ponneri Village. He has raised objections in respect of the Stridhana Property given to his wife that was not declared as surplus. As per the consent of the original land owner G.Ramasamy Naicker, the subject lands at Ponneri Village was declared as surplus by the competent authorities under Section 18(1) of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961.

28. Possession certificate was issued by Late G.Ramasamy Naicker himself in the presence of witness and the possession was taken over by the Special Deputy Tahsildar (Land Reforms), Pollachi. When the land owner had given the possession of the subject land and the authorities competent had taken over the possession in the year 1974 and assigned the subject land to the landless poor persons in the year 1975 by the Authorised Officer (Land Reforms), Coimbatore in Reference No.90/MRIV/dated 08.08.1975, now at this length of time the petitioners cannot claim patta, title or ownership in respect of the lands declared as surplus under Section 18(1) of



the Act.

ARGUMENTS ON BEHALF OF THE 6TH RESPONDENT:

29. The learned Senior Counsel appearing on behalf of the 6th respondent made a submission that the Government issued declaration in G.O.Ms.No.3594, Revenue Department dated 14.10.1974 and Late.G.Ramasamy Naicker himself agreed to hand over the possession of the subject land at Ponneri Village and accordingly, the said lands were declared as surplus under Section 18(1) of the Act. In the year 1975, the surplus lands were distributed to the landless poor persons by the Authorised Officer, Coimbatore and after lapse of about 42 years, the petitioners claim themselves as legal heirs of the G.Ramasamy Naicker are attempting to resume the property vested with the Government pursuant to the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, which was distributed to the landless poor persons in the year 1975.

30. The learned Senior Counsel for the 6th respondent contended that there is no reason to contend that Gazette Notification was not issued. In this context, learned Senior Counsel drew the attention of this Court with



reference to the G.O.Ms.No.3495, Revenue Department dated 14.10.1974, wherein the Government has approved the notification and sent the same to the Director of Stationary and Printing, Madras through the Board of Revenue, Land Reforms for publication.

31. One cannot ask to produce the copy of the Gazette Notification after a lapse of 42 years, since there is a possibility of destruction or loss or otherwise. Taking undue advantage of the non-production of the Tamil Nadu Government Gazette Notification of the year 1974, the petitioners after a lapse of 42 years cannot claim that there is no notification issued and therefore, the lands must be resumed in their favour and patta should be granted. Such an argument placed before this Court is vexatious and deserves no merit consideration. Thus, the writ petition is to be rejected.

DISCUSSION:

32. The Government found that Late G.Ramasamy Naicker son of Genga Naicker held lands more than the ceiling limit. The land owner filed a written statement that he was the only legal heir of his father Genga Naicker and the lands to an extent of 60.28 acres in Guruvappa Naickanur



Village, Kallapuram Village and Ponneri village of Udumalpet Taluk, Tiruppur District, and was in the possession and enjoyment as on 15.02.1970 and the details of the family members of the Late G.Ramasamy Naicker as stated by him was himself his wife Backiyam and daughter Selvi Suganthi aged about 9 years. Late G.Ramasamy Naicker has stated in his written statement that if any land is declared from his holdings, he will hand over the lands from his holding at Ponneri Village.

33. Considering the written statement, the authorities conducted field inspection and identified that the land owner held an extent of 19.006 standard acres and his wife Smt.Bakiyam held an extent of 7.923 standard acres. The total extent held by the family as on 15.02.1970 was 91.47 ordinary acres equivalent to 26.929 standard acres. The ceiling limit allowed to the land owner family was 15.000 standard acres. A draft statement under Section 10(1) of the Act preferred by the Authorised Officer (Land Reforms), Coimbatore in proceedings dated 28.05.1973 and was published in the Tamil Nadu Government Gazette dated 04.07.1973. According to the draft statement the land owner held 91.47 ordinary acres equivalent to 26.929 standard acres and after allowing 15.000 standard



acres, as his ceiling area under Section 5 of the Act, an extent of 45.28 ordinary acres equivalent to 11.292 standard acres was proposed to be declared as surplus. A copy of the draft statement along with form 6 were served to the land owner and his wife Bakiyam on 17.07.1973. The land owner filed an objection petition on 30.07.1973 and 21.07.1973 respectively. The family of Late G.Ramasamy Naicker requested to treat the portion of the property as “Stridhana” since the lands were gifted by Smt.Bakiyam’s brothers vide Document Nos.1111 and 1112 of 1956 dated 25.05.1956. No objections regarding family members were filed by the land owner and his wife. The objections of land owner were accepted by the authorities and orders were passed under 10(5) of the Act by the Authorised Officer in proceedings dated 29.10.1974 allowing ceiling area to an extent of 46.19 ordinary acres equivalent to 15.000 standard acres under Section I and allowing Stridhana lands to an extent of 36.35 ordinary acres equivalent to 9.642 standard acres under Section VI and declaring an extent of 14.09 ordinary acres equivalent to 4.006 standard acres at Ponneri Village as “surplus”. The order was communicated to the land owner and his wife Tmt. Bakiyam.



34. Final Statement under Section 12 of the Act was prepared.

Accordingly, the surplus to an extent of 14.25 ordinary acres equivalent to 4.006 standard acres at Ponneri Village in S.F.No.266/2, 267/2 and 268/2 was demarcated. The final statement was published in the Government Gazette.

35. Notification under Section 18(1) was published in the Tamil Nadu Government Gazette dated 13.11.1974 declaring an extent of 14.25 ordinary acres equivalent to 14.006 standard acres in Ponneri Village, Udumalpet Taluk, Tiruppur District. The Notification was served to the land owner by RPAD on 02.12.1974. Consequently, the surplus lands to an extent of 14.25 acres were assigned to landless poor persons by the Authorised Officer in proceedings dated 08.08.1975. The “F” patta was issued to the beneficiaries on 21.09.1977 and 21.03.1991.

36. The above factual details established would be sufficient enough to form an opinion that the procedures as contemplated under the Act were followed by the competent authorities. Now after a lapse of about 42 years, the petitioners cannot raise the ground that based on the 18(1) declaration



issued in G.O.Ms.No.3594 dated 14.10.1974 no Gazette Notification was issued. The Government order itself reveals that the copy of the notification approved by the Government was communicated to the Director of Stationeries and Printing for publication.

37. The lands were declared as surplus in the year 1974. The land owner had given a statement agreeing to hand over possession in respect of the surplus land in Ponneri Village. The possession certificate was issued and the possession of the land was taken by the Special Deputy Tahsildar, Land Reforms. The surplus lands were distributed to the landless poor people in the year 1975 and consequently, patta was also issued to those landless poor people.

38. After a lapse of 42 years on 19.12.2017, the petitioners have submitted a representation to the 3rd respondent / District Revenue Officer. Thereafter, they started collecting documents through RTI Act, since the Gazette publication was unable to be traced out. The petitioners have taken undue advantage of the situation and filed two writ petitions earlier. This Court remanded the matter for conducting an enquiry. Pursuant to the



directions issued by this Court, the Revenue Divisional Officer, Udumalpet conducted an enquiry by affording opportunity to the petitioners. The facts were elaborately considered by the Revenue Divisional Officer and a finding was made that the Tahsildar in the year 2017 wrongfully included the names of the petitioners as joint pattadhars and consequently, cancelled the joint patta and deleted the names of the petitioners.

39. The findings in the impugned order reveal that the surplus lands declared under Section 18(1) of the Act was distributed to the landless poor people in the year 1975 and conditional patta was granted to those landless poor individuals. Therefore, after a lapse of 42 years, the petitioners cannot claim any right over the subject property, which were already distributed by the Government to the landless poor individuals under the provisions of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961.

40. The other relief sought for by the petitioner to quash the Government notification issued in G.O.Ms.No.3594, Revenue Department 14.10.1974 would not arise at all. The documents produced by the respondents would be sufficient enough to form an opinion that the land



owner himself agreed to hand over the surplus lands at Ponneri Village and considering the written statement made by the land owner, the authorities competent had declared the lands as “surplus” at Ponneri Village. Thus, the objections submitted by the land owner and his wife were considered and at the choice and consent of the land owner Late G.Ramasamy Naicker son of Genga Naicker, the lands at Ponneri Village were declared as surplus. Late G.Ramasamy Naicker had handed over the possession to the Special Deputy Tahsildar, Land Reform, Pollachi on 19.12.1974 and signed the possession certificate.

41. Therefore, question of claiming right over the property, now after a lapse of 48 years, would not arise at all and the grounds raised by the petitioners are vexatious and beyond the scope of consideration by this Court. The claim of the petitioners are not only frivolous, their ill-motive to resume the land, which was declared as surplus under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 in the year 1974 deserves no merit consideration.



42. Accordingly, this Writ Petition stands dismissed. Consequently, connected Miscellaneous Petitions are closed. However, there shall be no order as to costs.

14.09.2023
(2/2)

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

- 1.The Deputy Secretary to Government,
The State of Tamil Nadu,
Revenue Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Principal Secretary & Commissioner
of Land Reforms,
Chepauk,
Chennai – 600 005.
- 3.The District Revenue Officer,
Tiruppur District,
Tiruppur.
- 4.The Revenue Divisional Officer,
Udumalpet, Tiruppur District.
- 5.The Thasildar,
Udumalpet Taluk,
Tiruppur District.



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S.M.SUBRAMANIAM, J.

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