



W.P.No.30281 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.30281 of 2023

and

W.M.P.Nos.29877 and 29878 of 2023

K.Senthil Kumar

... Petitioner

versus

1. The Government of Tamil Nadu,
Dept. of Revenue & Disaster Management,
Rep.by its Addl.Secretary,
Fort St. George, Chennai – 600 009.
2. The District Collector,
Collectorate,
Chengalpattu & Dist.
3. The District Revenue Officer,
Chengalpattu District – 603 306.
4. The Revenue Divisional Officer,
Mathuranthakam Taluk,
Chengalpattu District – 603 306.
5. The Special Tashildar,
Mathuranthakam Taluk,
Chengalpattu District – 603 306.



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6. The Chief Surveyor,
Mathuranthakam Taluk,
Chengalpattu District – 603 306.

7. M.Sathyamoorthy

8. The Sub-Registrar,
Madurantakam,
Chengalpattu District.

9. The Registrar,
Chengalpattu District.

.....Respondents

[Respondents 8 and 9 are *suo-motu* impleaded
as per order of this Court dated 17.10.2023
in W.P.No.30281 of 2023.]

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus to forbear 5th and 6th respondents from making survey in land situated in Survey No.169/1 and 169/1A1A1A1 at No.178, Saravambakkam Village of Peruveli Group, Madurantakam Taluk, Chengalpattu District and to direct respondents 1 to 6 to ensure lands which were acquired under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 and to distribute to the concerned beneficiaries.

For Petitioners	:	Mr.P.Vijendran
For Respondents	:	Mr.V.Veluchamy
		Additional Government Pleader
		for R1 to R6, R8 and R9
		Ms.Hemi
		for Mr.E.Manoharan for R7



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ORDER

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This Writ Petition has been filed seeking for issuance of Writ of Mandamus, to forbear the fifth and sixth respondents from making survey in the land situated in Survey No.169/1 and 169/1A1A1A1, at No.178, Saravambakkam Village of Peruveli Group, Madurantakam Taluk, Chengalpattu District, and to direct respondents 1 to 6 to ensure lands, which were acquired under the 'Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961' [hereinafter referred to as 'Land Ceiling Act, 1961'] to be distributed to the concerned beneficiaries.

2. The brief facts of the case are as follows :

(i) Saravambakkam Village in Kancheepuram District measures approximately 541 acres and 31 cents out of which, 397 acres and 1 cent is classified as wet and dry agricultural lands, 144 acres and 30 cents of land is classified as Government Poromoboke lands and an extent of 58 acres and 80 cents is a large irrigation tank (Eri) in Survey No.157. Apart from that, a smaller water body measuring 13 acres and 7 cents is situated in Survey No.152.

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(ii) On account of the influential families in that area many agriculturalists, marginal farmers and artisans have been displaced and out of 144 acres and 31 cents, some of which was Grama Natham for Adi-Dravidars, grazing lands used by backward classes and Adi-Dravidars, only 37 acres and 79 cents is available at present for the community use and the rest of the lands, namely 106 acres out of the total extent of 144 acres has been encroached. Further, the land adjacent to the water body, which is a catchment area assigned with Survey No.168/1, a layout has been formed by one Narayana Reddy and the said person and his duly constituted agent Sivasubramaiaam sold an extent of 3 acres and 27 cents of Eri to various persons. That Eri Poromboke and Grama Natham lands have been appropriated by D.Vaithiyalingam and their families and they have fenced the area rapidly cutting off access to water and roads to villagers. In this regard, the petitioner and his father stated to have made several representations to the authorities and also submitted an application under the Right to Information Act on 09.02.2009, but however, no further developments have taken place inspite of the representations. With the above stated facts, the petitioner earlier approached this Court seeking for



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issuance of a Writ of Mandamus in W.P.No.6711 of 2009, and this Court by order dated 15.06.2010 directed the Assistant Commissioner (Land Reforms), Villupuram and other official respondents to take appropriate measures to resume possession of any land, which are found to be in wrongful possession of 8th and 9th respondents therein or any other persons which are classified as Grama Natham, Odai Poromboke, Eri Poromboke and Vettian Grant in Saravambakkam Village, Madurantakkam Taluk, Kancheepuram District. However, the concerned authority have not implemented the directions of this Court, and thereafter, the petitioner filed a contempt petition in Con.P.No.983 of 2012 and later it was withdrawn with liberty to move appropriate forum. Thereafter, he approached the concerned forum by filing petitions but there was no response from them. While things stood as above, the Government has declared the subject land as surplus land and acquired the same under the Land Ceiling Act, 1961.

(iii) Originally, the total Saravambakkam Village was covered in Survey Nos.126 to 184. After the Act was introduced, the survey numbers were made innumerable by sub classification. Apart from that, some of the lands were alienated by unknown persons and the influential persons of



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which Survey No.169 is one among them. Challenging the same, the petitioner also filed a Writ Petition in the form of Public Interest Litigation in W.P.Sr.No.60279 of 2023. While being that so, suppressing all the above facts and without adding the petitioner as a party, the seventh respondent herein filed W.P.No.24590 of 2023 before this Court, in and by which, he sought to survey and transfer of Patta in Patta No.1426 in respect of the property situated in Old Survey No.169/1 and New Survey No. 169/1A1A1A1 at No.178, Saravambakkam Village of Peruveli Group, Madurantakam Taluk, Chengalpattu District and this Court disposed of the Writ Petition on 21.08.2023. Based on the directions given by this Court, on 21.08.2023, the fifth respondent herein has issued summons to the petitioner and other persons for enquiry on 17.10.2023 in respect of the subject property. Challenging the same, the petitioner has filed the present petition for the relief stated above.

3. The learned counsel for the petitioner submitted that the subject property was acquired by the Government under the Land Ceiling Act, 1961. Even after completion of acquisition proceedings, the official



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respondents have not taken any effective steps to take physical possession of the subject property from the original land owners and allot the same to the landless poor. Therefore, the object and purpose of the Land Ceiling Act, 1961 itself has been defeated. He further submitted that without adding the petitioner as a party, the seventh respondent, filed W.P.No.24590 of 2023 and obtained orders on 21.08.2023. As such, the fifth respondent issued summons to the petitioner and others for enquiry. The learned counsel for the petitioner further submitted that the dispute regarding surplus land is pending with the Land Administrative Tribunal, and hence, the fifth respondent has no *locus standi* to survey and issue Patta to the seventh respondent in respect of the subject property.

4. The learned counsel appearing for the seventh respondent submitted that he is the *bonafide* purchaser of the subject property. No acquisition proceedings were initiated in respect of the subject property, which is not covered under the Land Ceiling Act, 1961. Without giving notice to the vendor of the seventh respondent or his predecessor-in-title, the Government declared the subject property as surplus land. Without knowing the above facts, the petitioner purchased the subject property and he is in



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possession of the property. Therefore, he filed a revision before the authority concerned, since there was no response from them, he filed W.P.No.24590 of 2023 and this Court by order dated 21.08.2023 had given directions to consider his representation and pass appropriate orders. Based on the directions, the fifth respondent issued summons for enquiry. The writ petitioner is nothing but a trespasser, therefore, he has no *locus standi* to file this Writ Petition. He further submitted that the writ petitioner, who is the neighbour of the seventh respondent had buried the dead body of the petitioner's father in the subject property, only in order to take personal vengeance. It is further stated that the writ petitioner has falsely filed the present writ petition by suppressing all the material facts. Therefore, he is not entitled to get the relief as sought for in this writ petition.

5. The learned Additional Government Pleader appearing for the official respondents submitted that only based on the directions of this Court in W.P.No.24590 of 2023, the fifth respondent issued summons to the writ petitioner and the seventh respondent for enquiry. In view of the objections raised by the writ petitioner, no orders were passed for the transfer of patta for the subject property in favour of the seventh respondent.

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6. Heard both sides and perused the materials available on record.

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7. Admittedly, the subject property was declared as surplus land under the Land Ceiling Act, 1961 and the acquisition proceedings are still pending. Pending proceedings, the seventh respondent filed W.P.No.24590 of 2023. In pursuant to the directions of this Court in W.P.No.24590 of 2023 dated 21.08.2023, the fifth respondent issued summons to the petitioner and seventh respondent, therefore, the petitioner is before this Court.

8. It is seen from the records that the subject property was acquired by the Government under Land Ceiling Act, 1961 and the question as to whether the subject land is declared as surplus land under the Land Ceiling Act, 1961 or not is pending before the Land Administration Tribunal. Since the matter is pending with the competent authority, if the petitioner has got any grievances, he has to approach the fifth respondent and make his written submissions/ objections/representation before the fifth respondent. On such receipt of such written submissions/objections/representation, the fifth respondent is directed to conduct enquiry in the manner known to law and pass appropriate orders on merits and in accordance with law. Such exercise



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shall be completed within a period of two months from the date of receipt of a copy of this order. Till then, the fifth respondent shall not carry out any survey and issue Patta in respect of the subject property in Old Survey No.169/1 and New Survey No.169/1A1A1A1 at No.178, Saravambakkam Village of Peruveli Group, Madurantakam Taluk, Chengalpattu District.

9. With the above directions, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

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To

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Government of Tamil Nadu,
Department of Revenue & Disaster Management,
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2. The District Collector,
Collectorate, Chengalpattu and District.
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