



Order dated 28.11.2023
in W.P.No.16538 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.11.2023

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.16538 of 2017
and
W.M.P.No.17894 of 2017

B.Sharmila Rosen
W/o S,Baskarne

.. Petitioner

Vs.

1. The District Collector-cum-Additional Secretary (Revenue),
Revenue Complex,
Saram, Puducherry.

2. Sub-Collector (Revenue),
North cum,
Authorised Officer Land Reforms,
Puducherry.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to quash the un-dated order bearing Ref.No.3158/DC(R)N/LR/2017/1516 by the second respondent, further directing the second respondent herein to re-consider the representation dated 16.03.2015 in the exercise of power conferred under Section 22(2)(a) of the



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Pondicherry Land Reforms (Fixation of Ceiling on Land) Act, 1973.

For petitioner : Mr.Srinath Sridevan, Senior Counsel for
M/s.R.Udhaya Kumar

For respondents: Mr.Ramaswamy Meyyappan,
Govt. Advocate (Pondicherry)

ORDER

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to quash the un-dated Order bearing Ref.No.3158/DC(R)N/LR/2017/1516 by the second respondent, and to further direct the second respondent herein to re-consider the representation dated 16.03.2015 in exercise of the power conferre under Section22(2)(a) of the Pondicherry Land Reforms (Fixation of Ceiling on Land) Act, 1973.

2. It is the case of the petitioner that she had acquired title over the property in T.S.No.69, R.S.No.49/4, Cad No.287 1/4 of an extent of 48 Are 66 Canthiar, situated at Iyyanar Kovil Street, Thengaithittu, Muthaliarpeta Commune, by way of a settlement deed executed by Mr.S.Baskarane on 31.03.2004. The second respondent, pursuant to the petitioner acquiring subject property, had passed a proclamation order, dated 20.06.2009, vide Ref.No.3017/SC(R)N/LR/2009 under Rule 22 of the Pondicherry Land Reforms

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(Fixation of Ceiling on Land and Disposal of Surplus Land) Rules, 1975, by which, the petitioner's land was also included in the said proclamation order. On coming to know of the said order, the petitioner approached the second respondent and obtained details of the proclamation order, dated 26.06.2009 and that the initial order of the said land parcels, one M.K.Selvaraj held the subject land in excess of the land ceiling under Section 4 of the said Act and consequently, land ceiling proceedings were also initiated by the second respondent during 1978, but the said proceedings had not been concluded after issuance of final statement on 04.04.1990.

3. It is the further case of the petitioner that pending acquisition, initiation of the land ceiling proceedings against the subject land parcel, were neither intimated to the public to prevent any transfers, nor the same was intimated to the concerned Registration Department to prevent any further registrations on such lands by the second respondent. In the meantime, as the second respondent had not concluded the land ceiling process, one R.K.Selvaraj had transferred the excess land to third parties.

4. It is the grievance of the petitioner that after nearly 18 years, the entire process was re-started by the second respondent during 2008. Further, fresh summons had also been issued by the second respondent to the said R.K.Selvaraj and his wife, vide letter dated 16.04.2008 to give clarification of



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lands which the said R.K.Selvaraj intended to retain and surrender to the Government under the said Act. The said Selvaraj in his statement made in 2008, had deliberately suppressed all the transfers that he had made earlier to the statement and had included the petitioner's land also in the list which he intended to surrender. The second respondent without verifying the authenticity of the information deposed by the said Selvaraj, hastily passed the proclamation order on 26.02.2009.

5. Coming to know of the said proclamation order, the petitioner gave a detailed representation to the second respondent on 16.03.2015 setting out all the above stated facts and sought for proclamation under Section 22(2)(b) of the said Act. There was no reply from the second respondent on the said representation. Hence, the petitioner filed W.P.No.20919 of 2017, which was disposed of on 20.03.2017 with a direction to the second respondent to consider the petitioner's representation, dated 16.03.2015 and to pass appropriate orders on merits and in accordance with law. This order of this Court was communicated to the second respondent to consider the same on merits and also in tune with the observation made by the Division Bench of this Court in W.A.No.760 of 2013 and also in accordance with the order passed by this Court in W.P.No.20919 of 2016 against the same proclamation order.

6. The second respondent, on receiving the order in W.P.No.20919 of



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2016, rejected the plea to consider the petitioner's representation, dated 16.03.2015 by the impugned un-dated order, which was received by the petitioner only 10.06.2017. Hence, the petitioner has filed the present Writ Petition for the relief stated supra.

7. Learned counsel for the petitioner contended that the petitioner is the owner of the property in T.S.No.69, R.S.49/4, Cad No.287 - 1/4 of an extent of 48 Are 66 Canthiar, situated at Iyyanar Kovil Street, Thengaithittu, Muthaliarpeth Commune, and the land was acquired by way of settlement deed dated 31.03.2004 executed by one S.Baskarane and the second respondent passed the proclamation order, dated 20.06.2009 under Rule 22 of the Pondicherry Land Reforms (Fixation of Ceiling on Land and Disposal of Surplus Land) Rules, 1975, including the land of the petitioner. Initially, the above said land with larger extent belonging to one K.Selvaraj in contravention of Section 4 of the said Act. The second respondent initiated appropriate land ceiling proceedings during 1978 and the same was concluded as on 04.04.1990, after issuance of Final Statement on 04.04.1990.

8. Learned counsel for the petitioner further submitted that the said proclamation of the property of the said M.K.Selvaraj was not intimated to the public and the said Selvaraj transacted excess land to the third parties. The second respondent has not taken any steps, but however, he re-started the



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entire land ceiling proceedings after lapse of nearly 18 years in the year 2008 and issued proclamation order on 20.06.2009.

9. Further, the learned counsel for the petitioner stated that when the petitioner came to know about the proclamation order and he gave a detailed representation to the second respondent on 16.03.2015, but the second respondent had not responded to the said representation of the petitioner, and therefore, the petitioner is before this Court by way of this Writ Petition.

10. Moreover the petitioner has earlier filed W.P.No.20919 of 2016 before this Court to consider the said representation of the petitioner, dated 16.03.2015, and the said W.P.No.20919 of 2016 was disposed of by this Court on 20.03.2017, but without going into the merits of the matter, this Court directed the second respondent to consider the said representation and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of the order of this Court.

11. Thereafter, according to the learned counsel for the petitioner, the impugned order has been passed, ultimately, the representation dated 16.03.2025 was rejected by order undatedin 2017 by the Deputy Collector (Revenue) North-cum-Authorised Officer (Land Reforms), even though the second respondent herein is the Sub-Collector.. Challenging the said undated order of 2017, the present Writ Petition has been filed for the relief stated supra.



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12. In support of his submissions, learned counsel for the petitioner relied on a decision of this Court in the case of S.Bhuvaneswaran and another Vs. The Secretary, Revenue Department, Puducherry Secretariat, Puducherry and another, in Revenue Application (Writ) Nos.30 and 31 of 2022 and W.M.P.Nos.6172 and 6176 of 2022 against W.P.Nos.7406 and 7407 of 2012, order dated 15.06.2022. Learned counsel for the petitioner also relied on an interim order of this Court dated 25.04.2017 in W.M.P.No.8060 and 8061 of 2017 in W.P.No.7406 and 7407 of 2017 staying the proceedings of the proclamation order dated 26.02.2009 as mentioned therein.

13. The respondents have filed counter affidavit averring as follows:

(a) The land reforms proceedings were initiated under the Pondicherry Land Reforms (Fixation of Ceiling on Land) Act, 1973 in respect of land holdings of the assessee Raghavan @ R.K.Selvaraj, son of Kothandapani, whose lands were situated at Ariankuppam, Murungapakkam, Manaveli, Thavalakuppam, Thengaithittu and Abishegapakkam Revenue Villages of Puducherry. On 13.09.1978, the then Authorized Officer (Land Reforms), after following the procedures prescribed in the said Act and the Rules framed thereunder, published the Final Statement in Form 10 under Section 11 of the said Act, vide Gazette No.129, dated 13.09.1978, aggrieved against which, the land owner, his wife Sarojiniammal and their son Murugavel filed their appeal before the



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Principal Sub-Judge, Puducherry in L.T.C.M.A.Nos.4, 5 and 6 of 1978, which were dismissed, against which, they have filed Civil Revision Petitions before this Court, in C.R.P.Nos.2190 and 2191 of 1978 and 2164 of 1978, which were dismissed with direction to the Authorised Officer to publish the revised statement excluding the lands that were included in the Land Reform proceedings under the Land Reforms Act.

(b) In compliance with the order of this Court, a Draft revised statement in Form-8 under Section 9 of the said Act, was published in the Extra-Ordinary Gazette No.114, dated 29.09.1988 and the Final Statement in Form-10 under Section 11 of the Land Reforms Act, was published in Part-I of the Extra-Ordinary Gazette No.66, dated 04.04.1990. While reviewing the Land Reforms cases, with an intention of giving one more opportunity of being heard, the Authorised Officer (Land Reforms) served copies of Part-I of the Extra-Ordinary Gazette No.66, dated 04.04.1990 to the interested parties through the Tahsildar concerned on 18.02.2008 and the copies of Form-10 were pasted in the Field Offices as prescribed under the said Act. Neither any objections, nor any representation was received by the Authorised Officer from the assessee and his legal heirs in response to the Notice. Besides, the Authorised Officer, after 15 days of display of Form-10, issued summons in Form-6, as provided under Section 68 of the said Act, directing the land owners to appear in person before



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him.
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(c) The land owner/assessee, vide his letter dated 16.04.2008, furnished the details of lands, which he intended to retain and surrender to the Government under the Land Reforms Act and did not raise any fresh grounds of objections that would have a bearing on the matter of taking over the lands under the Land Reforms Act, notified in Gazette No.66, dated 04.04.1990. But, the land owner was ready to surrender only 06.03.94 H.A.C. of surplus lands, whereas the Government notified 43-17-80 H.A.C of his lands as surplus. Necessary approval was accorded by the Government for issuance of Notification of Form-13 as provided under Section 17(1) of the Pondicherry Land Reforms (Fixation of Ceiling on Land) Act, 1973. The copies of Form-13, notifying that the surplus lands of the assessee Raghavan @ R.K.Selvaraj situated at Ariankuppam, Murungapakkam, Manaveli, Thavalakuppam, Thengaithittu and Abishegapakkam Revenue Villages to an extent of 43.17.80 Hectares (20.8876 Std.Hec) were required for a public purpose, was served on the assessee through the Tahsildar, Taluk Office, Puducherry, for which acknowledgement was obtained.

(d) As per Section 17(3) of the said Act, on publication of the Notification together with the trees standing on such land and building, machinery, plant, apparatus, Wells, fitter points or power lines constructed, erected or fixed on



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such land and used for agricultural purposes, shall, subject to the provisions of this Act, be deemed to have been acquired for a public purpose and vested in the Government free from all encumbrances with effect from the date of such publication and all right, title and interest of all persons in such land, shall, with effect from the said date, be deemed to have been extinguished. Therefore, as per the Proclamation No.3017/SC(R)N/LR/2009, dated 26.02.2009 under Rule 22 of the Pondicherry Land Reforms (Fixation of Ceiling on Land and Disposal of Surplus Lands) Rules, 1975, the surplus lands of the assessee Raghavan @ R.K.Selvaraj, including those lands the petitioner herein has purported to have purchased by way of settlement deed in favour of him, dated 31.03.2004, vide Document No.3242/2004 from one Baskaran, were also acquired under the Land Reforms Act, and is deemed to be vested with the Government free from all encumbrances.

(e) The petitioner has averred that in the year 2004, she has purchased parcels of land ad-measuring an extent of 00-48-66 hectare in Ward-P, Block-6, T.S.No.69, R.S.No.49/4 in Thengaithittu Revenue Village, from one Mr.S.Baskrane for a valuable consideration under settlement deeds on 31.03.2004 and the said land were purchased only after due consideration of the relevant title documents of being a bona-fide purchaser. She has further stated that the land parcel was also registered at the Puducherry Sub-Registrar Office,



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wherein there was no impediment for purchase and registration of the said land.

Issuance of a final statement on 04.04.1990 was not intimated to the concerned Registration Department to prevent any registration of such lands and there was delay in issuing the final settlement.

(f) The proceedings initiated under the Act could not be finalised early due to various administrative reasons and also due to filing of Civil Revision Petition before this Court in C.R.P.No.2190 of 1978, No.2191 of 1978 and No.2164 of 1978, which were dismissed with direction to the Authorised Officer to publish revised statement excluding the lands that were included in the Land Reforms Proceedings under the Land Reforms Act, 1973. When the Authorised Officer published the Final Statement in Form-10 under Section 11 of the Land Reforms Act, vide Part-I of the Extra-Ordinary Gazette No.66, dated 04.04.1990, the assessee was very much aware of the proceedings.

(g) The proceedings of the declaration of surplus land insofar as the present assessee is concerned, are as follows:

13.09.1978	Form 10 under Section 11 of LR Act - Final statement - Particulars of the entire land held by the assessee.
1978	LTCMA Nos.4,5, & 6 of 1978 - Appeal before the Principal Sub-Judge, Puducherry after aggrieved by the Final Statement in Form-10 and the same were dismissed
1978	Civil Revision Petitions CRP Nos.2190 of 1978, 2191 of 1978 and 2164 of 1978 - High Court dismissed the CRPs and directed the Authorised Officer to publish the revised statement



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20.09.1988	Form 8 under Section 9 of the Land Reforms Act - Draft revised final statement
04.04.1990	Form 10 under Section 11 of the Land Reforms Act - Final statement - Particulars of the entire land held by the person as on 24.01.1971
13.08.2008	Notification - Freezing of GLR values for the lands under the Land Reforms Proceedings
02.12.2008	Form 13 under Section 17(1) of the Land Reforms Act - Notification declaring the particulars of surplus land
26.02.2009	Proclamation under Sections 17(2) and 17(4) of the Land Reforms Act - Lands declared surplus required for public purpose and vested with the Government
16.03.2015	Representation by Sharmila Rosen (petitioner) to release their lands from the surplus portion in Land Reform proceedings of the assessee Raghavan @ R.K.Selvaraj
20.03.2017	W.P.No.20919 of 2016 - Disposed of - directed the respondents to consider the representation made by the petitioner dated 16.03.2015 and pass appropriate orders on merits and in accordance with the law within a period of six weeks from the date of receipt
09.06.2017	Proceedings of the Authorized Officer (Land Reforms) - Considering the representation of the petitioners dated 16.03.2015, it was decided that their lands could not be released from the land reforms proceedings as per the provisions of the Land Reforms Act
03.07.2017	W.P.No.16538 of 2017 (the present Writ Petition) is filed by Sharmila Rosen - to quash the order dated 09.06.2017 passed by the Authorized Officer (Land Reforms) again to consider her representation dated 16.03.2015

(h) The writ petitioner knowingly purchased the parcel of lands in question inspite of the fact that she knows that the lands which she is purchasing are under the Land Reforms Proceedings. Further, the final statement issued under Section 11 of the Act with particular reference to the



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assessee as above, was also published in the Part-I of Extra Ordinary Gazette No.66, dated 04.04.1990 for the general opinion of the public, wherein it was clearly stated that the lands purchased by the writ petitioner, are shown as surplus. Therefore, the contention of the writ petitioner that she has purchased the lands unaware of the on-going Land Reforms Proceedings and therefore, she was put to untold suffering, is not true.

(i) The main purpose/object of the introduction of the Land Reforms law is for fixation of ceiling on agricultural land holders and for certain other matters connected therewith in the Regions of Puducherry and Karaikal and therefore, the Pondicherry Land Reforms (Fixation of Ceiling on Land) Act, 1973, was published on 22.09.1974, with the appointed day as on 24.01.1971. Only in pursuance of the above said Act, the land holdings of various land owners were identified and the process of determining surplus land under the Act was taken up and one of such assessee is Raghavan @ R.K.Selvaraj who held surplus lands than the permissible land to be retained. This land owner had various land holdings in various villages in Puducherry Region. The total land holdings under his possession was 55-31-75 hectares, of which, the portion declared as surplus, comes to 43-17-80 hectares which are spread over in four or five villages and there were lot of administrative difficulties in issuing the Final Statement pertaining to the assessee in question and the public at large is fully aware of



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the land reforms proceedings processed against the said assessee. The petitioner has purchased the lands knowing fully aware of the proceedings in this case and having purchased the surplus lands from the assessee and the subsequent purchaser of this land, the petitioner has no valid reason to represent to the Government to delete the land from the surplus land declared by the Government. This request of the petitioner as made out in her representation dated 16.03.2015 to release the land in lieu of the surplus land already finalised as per the final statement, proclamation, public notices, etc., and therefore, it could not be acceded to.

(j) The delay in passing of an order in Form-13 declaring surplus land, was mainly due to the various administrative reasons, in view of enormous surplus lands held by the assessee in various villages and due to pending Court proceedings. The contention of the petitioner that the authorities have not notified to the registering authority in order to prevent the further registration of the land involved in Land Reforms proceedings, is not correct. Since the registration of the documents by the Registrar cannot be stopped as per the provisions of the relevant Act and more so, any advice for stopping of the registration could be resorted to only when the Land Ceiling proceedings, is finalised by issuing the proclamation. Hence, there is no delay in re-processing the proceedings.



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(k) The land at Ward-P, Block-6, T.S.No.69, R.S.No.49/4 of Thengaithittu Revenue Village has been declared as surplus and had been acquired for public purpose and is vested with the Government free from all encumbrances and hence, the question of further processing the representation, dated 16.03.2015, does not arise.

(l) The request of the petitioner to release of the schedule mentioned property from the proclamation order No.3017/SC(R)N/LR/2009, dated 26.02.2009, cannot be acceded to mainly due to the reason that the original land owner-cum-assessee does not possess any land as retained by him and he has already sold everything.

(m) Further, there is no provision in the Pondicherry Land Reforms (Fixation of Ceiling on Land), Act, 1973, to exchange the other lands of the transferee equal in area, in lieu of her lands that have been acquired under the Land Reforms Proceedings by the Government. The request of the petitioner in that regard to substitute her land declared as surplus which possesses lot of potential value in lieu of un-potential and barren lands, defeats the purpose of the Land Reforms Act.

(n) As per Section 22(2)(b) of the Land Reforms Act of Puducherry, when there are many transferees of land for the assessee under land reforms, lands are to be taken from each of the transferee in proportion to the land transferred



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to them to compensate for the deficit surplus lands. The lands are available in various villages and in majority of the cases, the lands are also plotted into layout. In view of the said predicament, the request of the petitioner cannot be considered favourably.

(o) For the above reasons, the respondents pray to dismiss the Writ Petition filed by the writ petitioner *in-limine*, as the same is not sustainable in law.

14. Learned Government Advocate (Pondicherry) appearing for the respondents submitted that the land belongs to the said Selvaraj and since he had the excess land under the Land Ceiling Act of Pondicherry (of the year 1973), and he had the excess land under the Land Ceiling Act of Pondicherry, proceedings were initiated in accordance with law and the land in question was declared as 'surplus land' along with the other lands. When the proclamation proceedings are pending, the petitioner sold the property to various persons/third parties like selling a portion of the property, which is the subject matter in respect of the property and the land was sold to one Baskarane and the petitioner has obtained property from the said Baskarane under the settlement deed and the petitioner had not straight-away obtained the property from the said Selvaraj. All the procedures were followed and the land was



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declared as 'surplus land'. The petitioner is a third party and she is not entitled to the relief as sought for in the Writ Petition. Learned Government Advocate further contended that the said Selvaraj has not retained any land, and therefore, under the above circumstances, irrespective of the exchange of land or lands, / the excess land, since no land it appears that is in the name of the said Selvaraj, and therefore, Section 22(2)(b) of the Puducherry Land Reforms Act of 1973, cannot be invoked in this case, when the petitioner has earlier filed a Writ Petition and obtained a direction to consider her representation, dated 16.03.2015 (as stated supra). Ultimately, the impugned order was passed rejecting the said representation. The subject land, which was declared as "surplus land" was acquired for public purpose and it vested with the Government free from all encumbrances. Therefore, the authority who passed the impugned order, has rightly rejected the representation dated 16.03.2015 and hence, no further proceedings would lie and it does not arise to proceed further in the matter. There are no merits in the Writ Petition and the petitioner is not entitled to the relief sought for in this Writ Petition and the learned Government Advocate (Pondicherry) prayed for dismissing the Writ Petition.

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

16. At the outset, it is useful herein to extract Section 22 of the Puducherry Land Reforms (Fixation of Ceiling on Land) Act of 1973 (Act No.9 of



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Restriction on transfer of land by a person:

Section 22: (1) Except where a person is permitted, in writing, by the authorised officer, a person, holding land in excess of the ceiling area applicable to him under section 4, shall not, after the commencement of this Act, transfer by sale, gift or otherwise or make any partition of any land held by him or any part thereof until the excess land, which is to be acquired by the Government under section 17, has been determined and taken possession of by or on behalf of the Government.

(2) (a) If any person makes any transfer, whether by sale, gift or otherwise, of any land in contravention of the provisions of sub-section (1), the Government, may, in the first instance, take possession of land, equal in area to the land which is to be acquired by the Government, from out of the land held by such person, and where such recovery from the person is not possible, from the transferee.

(b) Where there are more transferees than one, the deficiency of the surplus area shall be made up from each of the transferees in proportion to the land transferred to them.

(3) Any person who transfers any land in contravention of the provisions of sub-section (1) shall be punishable with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to six months, or with both."

(emphasis supplied)

17. Admittedly, originally, the land(s) belongs to one Selvaraj and the second respondent herein had initiated proceedings under the Puducherry Land



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Reforms (Fixation of Ceiling on Land) Act, 1973, after following due process of law and the Rules pertaining thereto. However, Final Statement in Form-10 under Section 11 of the said Land Reforms Act, was published in Extra-Ordinary Gazette No.66, dated 04.04.1990. Further, necessary approval of the Government was also accorded for issuance of Notification of Form-13 under Section 17(1) of the Pondicherry Land Reforms (Fixation of Ceiling on Land) Act, 1973, which was also published in Extra-Ordinary Gazette No.108, dated 02.12.2008.

18. It is evident from the impugned order that the surplus lands at Ariyankuppam, Murugapakkam, Manaveli, Thavalakuppam, Thengaithittu and Abishegapakkam of an extent of 43-17-80 Hec. (20.8876 Std. Hec.) had been acquired under the Land Reforms Act for public purpose, and according to the respondent-authorities, it is deemed to be vested with the Government free from all encumbrances with effect from 02.12.2008, vide Proclamation No.3017/SC(R)N/LR/2009, dated 26.02.2009 issued by the Authorized Officer (Land Reforms) under Sections 17(2) and 17(4) of the said Land Reforms Act of 1973.

19. It is further seen that the said Selvaraj had also sold many of his lands that were declared as surplus along with the lands that were to be retained with him contrary to the provisions of Section 22(1) of the said Act of 1973. Further,



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the petitioner, who had also earlier filed W.P.No.20919 of 2016 (as stated supra in the earlier part of this order) is the transferee of the land that has been declared as 'surplus' and it vested with the Government. It is also to be noticed that the subject land in Thengaithittu Revenue Village, was also declared as 'surplus' land and the same was acquired for public purpose and it vested with the Government free from all encumbrances and therefore, according to the learned Government Advocate, the further proceedings or processing the said representation, dated 16.03.2015, would not arise at all, as stated in the impugned order.

20. However, the petitioner's main contention is that she is not aware of the proceedings in the interregnum and now she has filed the present Writ Petition for the relief stated supra.

21. However, since already the land was declared as 'surplus land', and it was acquired and it vested with the Government for public purpose and even the petitioner is not a direct transferee from the said Selvaraj and the petitioner is not a fit person to say as to whether the procedures under the said Pondicherry Land Ceiling Act, were followed or not, and the land was declared as 'surplus land' and due process of law also had been followed by the respondents/authorities.

22. Learned counsel for the petitioner claims that she is only the



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transferee/subsequent purchaser, and the learned counsel requested that the second respondent may be directed to re-consider her representation dated 16.03.2015 and therefore, the Writ Petition may be disposed of as such.

23. Though the petitioner is not entitled to the relief sought for in this Writ Petition as contended by the learned Government Advocate, however, the learned counsel for the petitioner submitted that the second respondent may be directed to consider the above said representation of the petitioner, dated 16.03.2015, in detail again, after issuing notice to the petitioner and aggrieved/rival parties, and pass orders on merits and in accordance with law.

24. On a perusal of the impugned order, it is to be looked into that there is no violation of any legal principles/procedures as contemplated under law and though the petitioner is not entitled to the relief sought for in this Writ Petition, since the land has not been utilised and the land vested with the Government having been declared as 'surplus land' and it is being maintained for public purpose.

25. Further, on a perusal of the records, it is clear that so far, the land has not been utilised for any other purpose.

26. In the above facts and circumstances, as contended by the learned counsel for the petitioner, the respondents may be directed to give a fresh representation ventilating her grievances before the appropriate authority and



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liberty may also be given to the petitioner to approach the concerned authority/respondents.

27. Since the petitioner has not produced any records to show as to who are all have purchased the property from the said Selvaraj and to what extent they have purchased when there are more than one transferees, the deficiency of the surplus area shall be made up from each of the transferees in proportion to the land transferred to them. No detailed particulars have been given by the petitioner to substantiate the above transfer of land.

28. However, ultimately, it is for the petitioner to approach the authority concerned/respondents to seek her relief by giving fresh representation to them and it is for the respondents/concerned authority/Government to decide as to whether the petitioner is entitled to the relief of being landless poor and this Court has nothing to do with the same or this Court shall not give any positive direction in that regard. However, if at all the petitioner is possessing excess land, then the land can be given to some land-less poor, under due process of law.

29. For the foregoing reasons, this Writ Petition is disposed of, with liberty to the petitioner to approach the respondents or the authority concerned with fresh representation stating her grievance within a period of two months from the date of receipt of a copy of this order. On receipt of such a representation,



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the respondents/authority/Government is/are directed to consider the said fresh representation and pass appropriate orders, on merits and in accordance with law, if the petitioner is otherwise eligible for the relief sought for by her.

30. There shall be no order as to costs. Consequently, W.M.P. is closed.

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Index: Yes/no

Speaking Order: Yes/no

Neutral Case citation: Yes/no

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To

1. The District Collector-cum-Additional Secretary (Revenue),
Revenue Complex,
Saram, Puducherry.
2. Sub-Collector (Revenue),
North cum,
Authorised Officer Land Reforms,
Puducherry.



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Order dated 28.11.2023
in W.P.No.16538 of 2017

P.VELMURUGAN, J

CS

W.P.No.16538 of 2017

28.11.2023

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