



WEB COPY

W.P.No.29221 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29221 of 2018

and

W.M.P.No.34159 of 2018

1.G.C.Sivaraj

2.Mr.U.Balaji

3.Mr.K.R.Jayaram

4.Green Valley Shelters Pvt.Ltd.,
Joint Venture Partner,
Represented by its Managing Director,
Mr.Tirumuruhan.K.R,
Aged about 51,
No.21, Bawa Road,
Alwarpet,
Chennai – 600 018.

... Petitioners

Vs.

1.District Revenue Officer (DRO),
Collectorate,
Coimbatore District – 641 018.

2.Revenue Divisional Officer (RDO),
Collectorate,
Coimbatore District – 641 018.



3.Tahsildar,
Coimbatore North Taluk,
Coimbatore District – 641 018.

4.G.R.Karthikeyan

5.Mrs.PremaGovindasamy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records of the 2nd respondent, Revenue Divisional Officer, in respect of Na.Ka.No.7522/2012/A2 dated 21.07.2017 passed by the 2nd respondent, Revenue Divisional Officer, Coimbatore North, Coimbatore.

For Petitioners	: Mr.S.T.Bharath Gowtham
For Respondents	:
For R1 and R3	: Mr.R.Ramanlaal, Additional Advocate General, assisted by Mr.T.ArunKumar, Additional Government Pleader.
For R4 and R5	: No appearance.

ORDER

The order of rejection to grant Patta by the Revenue Divisional Officer, Coimbatore, in proceedings Na.Ka.No.7522/2012/A2 dated 21.07.2017 is under challenge in the present writ petition.



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2. The petitioners state that the land in S.F.Nos.444, 446, 447/1, 407/1, 407/2, 408, 410, 369, 370 and 375 in Vilankurichi Village, Coimbatore North Taluk, Coimbatore, measuring to an extent of 45 Acres and 82 Cents originally belonged to the grand father of the 1st petitioner Late G.Govindasamy Naidu. The 5th respondent Mrs.PremaGovindasamy is the grandmother of the writ petitioners. The 4th respondent is also a relative of the writ petitioners. It is not in dispute between the parties that the subject land has already been declared as surplus land under the Tamil Nadu Land Reforms (Fixation of Ceiling) Act, 1961. However, the Authorities are in the process of resuming the surplus lands declared under the provisions of the Act.

3. The proceedings initiated was originally challenged by the family members of the writ petitioners in W.P.No.44989 of 2002. The relief sought for in that writ petition is to call for the records comprised in proceedings No. D1/R.P.9/99(L.Ref.) on the file of the Land Commissioner, Chepauk, Chennai, dated 10.03.2000, and acquire the same and forbear the respondents therein from initiating any proceedings in terms of the provisions of the



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Tamil Nadu Land Reforms (Fixation of Ceiling) Act, 1961. This Court elaborately adjudicated the issues with reference to the provisions of the said Act and dismissed the writ petition.

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4. In the concluding paragraph, this Court held that it is open to the respondents 1 and 2 therein to act in accordance with law pursuant to the impugned order to give effect to the same in the manner known to law. Thus, the declaration made, under the provisions of the Act in respect of the property that belonged to the family members of the petitioners, was confirmed by this Court. Further, directions was issued to the Land Commissioner to act in accordance with law based on the impugned order and give effect to the said order.

5. W.A.No.501 of 2011 was filed and the Hon'ble Division Bench of this Court passed an order on 30.03.2011, dismissing the writ appeal by confirming the order passed by the learned Single Judge in W.P.No.44989 of 2002.



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6. Even thereafter, the petitioners and their family members have not allowed the Authorities to implement the order and again the 5th respondent, who is none other than the grandmother of the writ petitioners, filed another writ petition in W.P.No.20014 of 2011 for a direction to consider the representation submitted by the writ petitioners to grant Patta in the name of the 5th respondent. This Court directed the Authorities to consider the representation and pass appropriate orders.

7. Pursuant to the orders passed by this Court to consider the representation submitted by the 5th respondent, grandmother of the writ petitioners, the Tahsildhar, Coimbatore North, passed an order in proceedings dated 14.05.2012, granting Patta in the name of the family members of the petitioners. Since the Tahsildar had acted in contravention to the provisions of the Act, an appeal was preferred. The appeal filed before the Revenue Divisional Officer, Coimbatore North, was adjudicated and the impugned order dated 21.07.2017 has been passed. The facts established would reveal that the petitioners and their family members made an attempt to unsettle the settled issues with reference to the declaration made by the Competent Authorities under the provisions of the Tamil Nadu Land Reforms (Fixation



of Ceiling) Act, 1961. Once the subject land was declared as surplus under the provisions of the Act, the said land absolutely vest with the Government and is to be distributed to the landless poor people by following the provisions of the Act and schemes framed under the rules.

8. When the Authorities were in the process of resuming the land which were declared as surplus, the family members of the petitioners have further initiated proceedings in order to block the actions of the respondents, despite the fact that this Court passed an order directing the Land Commissioner to implement the orders passed under the Act which was confirmed by the Hon'ble Division Bench of this Court.

9. The order impugned is a speaking order wherein the entire facts and circumstances are narrated regarding the declaration made under the Provisions of the Tamil Nadu Land Reforms (Fixation of Ceiling) Act, 1961. The findings in the order reveals that the Tahsildhar has erroneously passed an order granting Patta in the name of the family members of the petitioners and therefore, the said order was set aside by the Revenue Divisional Officer in the appeal. The Tahsildar has not considered any of the facts and



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documents including the earlier order passed by the Competent Authorities, declaring the subject land as surplus. Thus, the Tahsildhar had exercised his powers beyond his jurisdiction and without any authority.

10. The order impugned further states that the land vested with the Government pursuant to the declaration made under Tamil Nadu Land Reforms (Fixation of Ceiling) Act, 1961 and actions were already initiated for resumption of land and the files are pending before the competent Authorities. This being the factum established, the petitioners or their family members cannot be permitted to unsettle the settled issues and to reopen the file since the writ petition filed challenging the declaration under the Act was dismissed and the said order was confirmed by the Division Bench of this Court. Thus, the writ petitioners are not entitled for the relief as such sought for in the present writ petition.

11. Consequently, the respondents 1 to 3 are directed to resume the lands already declared as surplus under the provisions of the Tamil Nadu Land Reforms (Fixation of Ceiling) Act, 1961, by following the procedures within a period of two (2) weeks from the date of receipt of a copy of this order.



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12. Accordingly, the writ petition stands **dismissed**. No costs.

Consequently, connected miscellaneous petition is closed.

13. Post the matter under the caption '*for reporting compliance*' on

22.09.2023.

07.09.2023

Index: Yes
Speaking order
Neutral Citation: Yes
veda/sha

To

1. District Revenue Officer (DRO),
Collectorate,
Coimbatore District – 641 018.
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S.M.SUBRAMANIAM, J.

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