



W.P.No.225 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2023

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.225 of 2019

1. Chandramani
W/o.Late Gunachandran
 2. Vikram
S/o.Late Gunachandran
 3. Vijayachandran
S/o.Late Gunachandran
- ... Petitioners

versus

1. The Authorised Officer and Assistant Commissioner
(Land Reforms) Erode
 2. The Principal Land Commissioner
Chepauk, Chennai-5.
-Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to recalculate the holdings under Sections 10 and 15 of Act 58 of 1961 as sought vide petitioners' representation dated 25.04.2018.



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For Petitioners : Mr.G.Karthikeyan
For Respondents : Mrs.Senthil Selvi
Government Advocate

ORDER

The writ petition has been filed seeking for a Mandamus directing the respondents to consider the petitioners' representation dated 25.04.2018, in and by which, they sought to recalculate the holdings under Sections 10 and 15 of Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 58/1961.

2. The case of the petitioners is that out of 70.55 acres, 31.61 acres in Govindapuram Village belonging to one Late Gunachandran, who is the husband of the first petitioner and the father of respondents 2 and 3 was declared as surplus land under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 58/1961 as amended by Tamil Nadu Land Reforms (RCL) Land 17/1970 [hereinafter referred to as 'the Act'] and the same was challenged by Late Gunachandran and the Tribunal by order dated 15.11.1994 in TRP.No.415/1991 cancelled the final statement published under Section 12 of the Act and notification under Section 18(1) of the Act



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and directed the respondents to recalculate the holdings. It is the further case of the petitioners that the first respondent classified 9.73 acres in S.No.726 and 7.43 acres in S.No.916 as wet lands on the basis of Kalathiyal theerval and adopted ratio of 7:4 and issued an amendment to the final statement under Section 12 of the Act and permitted to retain 38.82 acres. Challenging the same, Late Gunachandran filed Special Revision Petition under Section 83 of the Act. In view of the abolition of the Tribunal, the same was transferred and re-numbered as W.P.No.8143 of 2004 and the said writ petition was dismissed on 07.06.2011. Since Late Gunachandran died on 14.06.2010, the petitioners were not aware of the order of this Court and hence, they have not taken steps to challenge the said order.

3. It is the further case of the petitioners that the first respondent has not taken into account the members of the family, who are alive on the date of preparation of draft statement under Section 10(1) of the Act. When the draft statements were pending finalization, the petitioners 2 and 3 had become major and therefore, each petitioners 2 and 3 were entitled to 5 standard acres aggregating to 10 standard acres. The family was entitled to



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15 standard acres and adding 10 standard acres the same would aggregate to 25 standard acres. Since the said issue had not been considered, the petitioners had given a representation to the first respondent to rectify the mistakes. Since, there was no response from the first respondent, the present Writ Petition has been filed by the petitioners.

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

5. Since the petitioners have filed the present writ petition seeking for simple mandamus to recalculate the holdings under Sections 10 and 15 of the Act, 58 of 1961 by considering their representation dated 25.04.2018, it is seen from the counter affidavit, the respondents are not stated anything as to whether the representation of the petitioners dated 25.04.2018 has been considered or not.

6. In view of the above, the first respondent is directed to consider the representation of the petitioners on merits and in accordance with law, after affording due opportunity of hearing to the writ petitioners as well as rival



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claimants / interested parties, if any. Such exercise shall be completed by the first respondent within a period of two months from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. However, there shall be no order as to costs.

12.12.2023

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

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To

1. The Authorised Officer and Assistant Commissioner
(Land Reforms) Erode
2. The Principal Land Commissioner
Chepauk, Chennai-5.

Pg.Nos.5/6



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P.VELMURUGAN, J.

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