



W.P(MD)No.4728 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4728 of 2024

1.S.Pitchammal

2.R.Govindasamy

... Petitioners

Vs.

1.The Commissioner of Land Reforms,
Ezhiagam, Chepauk,
Chennai-5.

2.The Revenue Divisional Officer,
Pudukkottai,
Pudukkottai District.

3.The Tahsildar,
Tirumayam Taluk,
Pudukkottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents herein to treat the 2nd respondent's enquiry report in Na.Ka.No. A2/709/2018 dated 26.12.2023 as final order pursuant to an enquiry conducted under section 9(2)(b) of the Tamil Nadu Land Reforms (fixation of ceiling on land) Act 1961 in respect of lands to an extent of 274 acres of punja lands in S.Nos. 278/1, 280/2, 273/7, 301, 302 and 303/2 situated in the village of Pudhunilaivayal, Thirumayam, Taluk, Pudukkottai District.



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For Petitioners : Mr.Sricharan Rengarajan
Senior Counsel
for Mr.T.Ponramkumar

For Respondents : Mr.A.Kannan
Additional Government Pleader

ORDER

Heard the learned senior counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondents.

2. The proceedings were initiated under the Tamil Nadu Land Reforms (Fixation of Ceiling on land) Act, 1961 against the petitioners. The proceedings were initiated some time in the year 2003. On 16.07.2019, the RDO, Pudukkottai issued the memorandum holding that the petitioners are not possessing any surplus land. The Land Commissioner, Chepauk, Chennai took *suo motu* revision and ordered enquiry on 11.05.2002. It was held that the proceedings of the RDO, Pudukkottai dated 16.07.2019 suffers from infirmity and it was quashed. The RDO, Pudukkottai was directed to proceed with the action under Section 9(2)(b) of the Act. Thereafter, fresh enquiry was conducted. The RDO, Pudukkottai once again came to the conclusion that the petitioners are not possessing any surplus land. However, without passing a formal order, he submitted the same in the form of report to the Land



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Commissioner, Chepauk, Chennai. The Land Commissioner, Chepuak, Chennai, thereupon mandated the RDO, Pudukkottai to pass further proceedings vide communication dated 08.01.2024. Challenging the method adopted by the RDO, Pudukkottai, the present writ petition came to be filed.

3. When the land commissioner directed the RDO, Pudukkottai to pass an order, the RDO, Pudukkottai need not have adopted a diplomatic approach. He ought to have passed an order as required by the statute. Instead, he sought advice from the land commissioner and submitted a report. That is why, the land commissioner once again called upon the RDO, Pudukkottai to pass a formal order. The writ petition was listed for admission on 01.03.2024. Today when the matter was taken up for final disposal, I wanted to know if the RDO, Pudukkottai is having second thoughts. Answer is in the negative. I therefore direct the second respondent to pass a formal order. In other words, his earlier enquiry report dated 26.12.2023 will have to be reformatted. Such an order shall be passed within a period of five weeks from the date of receipt of a copy of this order.

4. The Writ Petition is allowed. No costs.

25.03.2024

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

rmi

To

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Pudukkottai District.
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