



W.P(MD)No.5203 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5203 of 2024

and

W.M.P.(MD)No.4994 of 2024

Nagjibhai K Patel

... Petitioner

Vs.

- 1.The Secretary to the Government,
Revenue Department, Secretariat,
St.George Fort, Chennai - 09.
- 2.The Special Commissioner of Land Reforms,
O/o.The Special Commissioner of Land Reforms,
Chepauk, Chennai - 05.
- 3.The State Port Officer,
Tamil Nadu Port Development,
Caption I.V.O.Prasad,
No.56, Chamiron Road,
Ra Puram, Chennai - 28.
- 4.The District Collector,
Collectorate,
Ramanathapuram District.
- 5.The District Revenue Officer,
O/o.The District Revenue Officer,
Ramanathapuram District.
- 6.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,



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Ramanathapuram,
Ramanathapuram District.

... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to grant permission under section 37-A and Exemption under Section 73(iv) of TN Land Reforms (Fixation of Ceiling on Land) Act 1961 to retain the land exceeding the ceiling limit in Patta No.380 situated at Valinokkam Village, Kadaladi Taluk, Ramanathapuram District enabling the petitioners company to complete their project namely Port Area Development under Special Economic Zone and proposed 10 lakhs KL Liquid Cargo Handling Facilities affiliation with Tamil Nadu Maritime Board within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy, Senior Counsel,
For Mr.I.Pinayagsh

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader.

ORDER

Heard the learned senior counsel for the writ petitioner and the learned Special Government Pleader for the respondents.

2.The petitioner wants to set up a minor port in Valinokkam, Kadaladi Taluk, Ramanathapuram District. The petitioner however requires exemption



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under Sections 37 and 73(iv) of the Tamil Nadu Land Reforms (Fixation and Ceiling on Land) Act, 1961. This is because the land acquired by the petitioner is excess of ceiling limit. The petitioner has applied to the first respondent seeking exemption from the operation of the said law. One can take judicial notice of the fact that if the extent of the land possessed by the applicant is within the ceiling limit, then no port can be established. In the very nature of things, a larger extent of land far beyond the ceiling limit would be required to set up a minor port. The application was given on 24.02.2024. The first respondent is directed to consider the petitioner's application and pass an appropriate order on merits. This shall be done by the first respondent within a period of twelve weeks from the date of receipt of a copy of this order.

3.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

15.04.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 18.04.2024.



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G.R.SWAMINATHAN, J.

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