



W.P.(MD)No.10235 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 21.12.2023

PRONOUNCED ON : 07.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.10235 of 2022, 10181 to 10185 of 2023

**AND W.M.P.(MD)Nos.7264, 7266 and 7267 of 2022, 8970 to 8973,
8975, 8980, 9030, 9032, 9035 to 9038, 9058, 9063 and 9065 of 2023**

W.P.(MD)Nos.10235 of 2022

1. Ravindran @ Ravichandran
2. K.Somasundaram @ Somu
3. P.Rangasamy
4. Veerammal
5. T.Seshan

... Petitioners

Vs.

1. The District Collector,
O/o.the District Collector,
Dindigul.
2. The District Revenue Officer,
O/o.the District Revenue Officer,
Dindigul.
3. The Revenue Divisional Officer cum
Assistant Commissioner(Land Reforms),
O/o.the Revenue Divisional office,
Palani, Dindigul District.
4. The Tahsildar,
O/o.the Taluk Office,
Palani, Dindigul District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the



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records pertaining to the proceedings issued by the 3rd respondent in his proceedings in MR.4/196/PALANI/AA2 dated 31.08.2012 situated at Periammapatti Village, Palani Taluk, Dindigul District and consequently directing the 4th respondent herein to issue patta in favour of the petitioners in respect of the property of the petitioners comprised in S.No.305.

(in all W.Ps.)

For Petitioners : Mr.S.Ramsundarvijayraj
in W.P.(MD)No.10235 of 2022

Mr.N.Mohan
in W.P.(MD)Nos.10181 to 10185 of 2023

For Respondents : Mr.R.Baskaran,
Additional Advocate General,
assisted by,
Mr.M.Sidharthan,
Additional Government Pleader.

* * *

COMMON ORDER

Heard both sides.

2. The writ petitioners herein are assignees. The lands originally belonged to Neikaranpatti Jameen. Proceedings under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 were initiated. Out of the surplus lands, the assignment came to be made



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in favour of the petitioners herein on 10.09.2004. The said assignments were cancelled vide order dated 31.08.2012. In all these writ petitions, the cancellation orders are put to challenge.

3. The primary ground of attack is that before passing the cancellation order, the petitioners were not put on notice and that they became aware of the same only recently. They also submitted that similarly placed individuals moved this Court by filing W.P.(MD) Nos.23474 and 23475 of 2018 and that the writ petitions were allowed on 23.06.2022. The learned counsel pointed out that the factual matrix obtaining in this case is absolutely identical. The only difference is regarding the survey numbers and the date of cancellation order.

4. They called upon this Court to set aside the impugned orders and grant relief as prayed for.

5. The respondents filed counter affidavits and the stand taken therein is that notices were issued to the addresses originally mentioned by the petitioners herein. The notices were returned “unserved”. The authorities cannot be expected to hunt for the petitioners. All that the authorities could do was to send the notices to the addresses which were available with them. It is also submitted that the writ petitions are



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hopelessly barred by laches. The further contention is that the assignees failed to comply with the condition set out in the assignment orders. The learned Additional Government Pleader called upon this Court to sustain the impugned orders and dismiss the writ petitions.

6. I carefully considered the rival contentions and went through the materials on record.

7. The objections raised by the respondents herein were raised in W.P.(MD)Nos.23474 and 23475 of 2018. Vide order dated 23.06.2022, I had allowed the writ petitions. Paragraph Nos.8 to 11 are as follows:-

“ 8. I went through the contents of the impugned orders. As already noticed, proceedings in favour of G.D.Narendra were issued by the District Revenue Officer, Dindigul on 02.07.2012 itself. Copy of the same has been enclosed in the typed set of papers. It can be seen therefrom that the assignees were not associated in the said proceedings. In other words, the petition filed by G.D.Narendra was treated as if it was a matter between himself and the government. It took place behind the back of the assignees. Survey No.423 is finding place at S.No.17 in the said order. Cancellation order was passed on 30.04.2013. It states that in Survey No.423 in



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Periyammapatti Village, 82.22 acres were declared as surplus and that it was assigned in favour of as many as 49 persons. Most of the assignees were given either 1.15 acres or 2 acres. The order further reads that the assignees who were given possession were found to be not in enjoyment of the assigned lands. There is no reference to issuance of notice. On this sole ground, the assignment orders made on 31.10.1998 and 20.03.2000 were cancelled. The authority ought to have borne in mind that once the lands had been assigned, the assignees acquire valuable property rights. Of course, they have to abide by the terms and conditions of assignment. Subject to such restrictions as may be set out in the assignment orders, the assignees are entitled to invoke Article 300A of the Constitution of India. The Assistant Commissioner (Land Reforms), Madurai has proceeded in the matter as if he is taking back something that was given as charity. The Land Reforms laws are an outcome of social justice movement. When the cancellation order does not read that notices were served and that there was no response from the noticees, it is not open to the respondents to now claim that there was no violation of the principles of natural justice. The case on hand cannot be looked at from a technical angle. The question that has to be raised is whether there was justification in cancelling the assignment orders. It is relevant to note here that while the assignment



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orders were made in 1998 and 2000, the cancellation order was passed in 2014. Since the cancellation order is subsequent in point of time, vis-a-vis the issuance of patta in favour of G.D.Narendra, I conclude that they were more an empty formality. Having issued patta in favour of G.D.Narendra, the authority was obliged to cancel the assignment proceedings. The dates speak for themselves. Proceedings in favour of G.D.Narendra were issued on 02.07.2012. The show cause notices are dated 07.12.2012. The cancellation orders are in the same format. I therefore hold that the cancellation orders have been arbitrarily passed.

9.The petitioners belong to a very ordinary strata of society. That is why, they were identified for being assigned. They are landless poor. In the case of such persons, I will not invoke the harsh doctrine of laches to non-suit them at the threshold.

10.One aspect of the matter baffles me. Neikaranpatti Zamin was in possession of large extent of land. It appears that G.D.Narendra was allowed to retain 700 acres of land. The official respondents concede that a family comprising of five individuals or less can hold only upto 15 standard acres (1 standard acre = 4 ordinary acres). Therefore, by no stretch of imagination, can G.D.Narendra be permitted to hold 700 acres. The surplus land and



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retention land cannot be identified by survey number wise. By adopting such an ingenuous method, in each survey number patta has been issued in favour of the Zamindar. One has to take a wholistic view of the situation. When a specific question was put to the learned senior counsel for the legal heir of G.D.Narendra as well as the learned Special Government Pleader for the official respondents as to how G.D.Narendra was allowed to retain 700 acres of land, I did not get a proper response. When the Writ Court comes across something fundamentally illegal or something which shocks judicial conscience, it cannot casually turn its face away. The authorities must be held accountable. The authority strangely does not find anything amiss in the erstwhile Zamindar family retaining 700 acres. But he has no hesitation to cancel the assignment of 1 acre and 2 acres made in favour of landless poor on the ground that they are not in enjoyment.

11.The orders passed in respect of retention lands appear to be highly suspect. The cancellation orders have been passed without application of mind. There is also a clear violation of the principles of natural justice. The impugned proceedings granting pattas in favour of G.D.Narendra as well as the cancellation orders are set aside and these writ petitions are allowed. The authorities have to necessarily revisit the entire issue and fresh



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proceedings shall be issued delineating the details of retention lands. The authorities will bear in mind the mandate of Section 5 of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961. No costs. Consequently, connected miscellaneous petitions are closed.”

8. For the very same reasons set out above, the impugned orders are also set aside. These writ petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

07.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

1. The District Collector,
O/o.the District Collector,
Dindigul.
2. The District Revenue Officer,
O/o.the District Revenue Officer,
Dindigul.
3. The Revenue Divisional Officer cum
Assistant Commissioner(Land Reforms),
O/o.the Revenue Divisional office,

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Palani, Dindigul District.

4. The Tahsildar,
O/o.the Taluk Office,
Palani, Dindigul District.



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G.R.SWAMINATHAN,J.

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