



W.A.(MD) No.1259 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2024

CORAM:

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

W.A.(MD) No.1259 of 2020

and

C.M.P.(MD) Nos.7174 of 2020 & 3489 of 2021

Kallapiran

... Appellant

-VS-

1.M.Sankarapandi Nadar

2.The District Revenue Officer
Office of the District Collector
Chochurakulam
Tirunelveli

3.The Revenue Divisional Officer
Cheranmahadevi
Tirunelveli District

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 22.07.2019, passed in W.P.(MD) No.14499 of 2019, on the file of this Court.



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For Appellant : Mr.G.Prabhu Rajadurai

For Respondents : R1 – Died
Ms.D.Farjana Ghoushia
Special Government Pleader for R2 & R3

J U D G M E N T

[Judgment of the Court was made by RMT.TEEKAA RAMAN, J.]

The first respondent herein filed the writ petition in W.P.(MD) No. 14499 of 2019 seeking for a direction to the third respondent herein to take action on the basis of his representations dated 24.12.2018 and 31.12.2018 by inspecting the petition mentioned property and to declare that the petition mentioned property is not entitled for exemption as per Section 73 of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land), Act, 1961 (in short, “the Act). In the said writ petition, the appellant herein was impleaded as per the order dated 22.07.2019.

2. After hearing the parties, the learned Single Judge, by the impugned order herein, disposed of the writ petition by directing the third respondent herein to survey the petition mentioned property, inspect the same



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and find out as to whether the petition mentioned property comes under the exemption as per Section 73 of the Act, in respect of the coconut grove. As against the order and directions issued by the learned Single Judge, the owner of the petition mentioned property has preferred this writ appeal.

3. Learned Special Government Pleader appearing for the respondents 2 and 3, on instructions, would submit that pending this writ appeal, the Sub Collector, after issuing notice to both the parties, inspected the subject property and found that there is a violation of conditions of exemption granted under Section 78 of the Act and accordingly, cancelled the exemption granted under Section 73(7) of the Act and to that effect, she has produced a copy of the proceedings of the Sub Collector, Cheranmahadevi, in Na.Ka.AA4/12748/2018, dated 05.01.2021, before this Court.

4. Since an order has been passed by the Sub Collector cancelling the exemption granted to the petition mentioned property, it is for the land owner Kallapiran to challenge the proceedings dated 05.01.2021, passed by the Sub Collector, Cheranmahadevi, in accordance with law.



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5. Accordingly, granting such liberty to the appellant, this writ appeal stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

[T.K.R., J.] [N.S., J.]

15.11.2024

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

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To:

- 1.The District Revenue Officer,
Office of the District Collector,
Chochurakulam,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.



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