



W.P.(MD) No.22598 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.22598 of 2024

and

W.M.P.(MD) Nos.19138 and 19139 of 2024

Dr.Muthukumar

... Petitioner

/vs./

**1.The Additional Collector,
Tuticorin District,
Tuticorin.**

**2.The Authorized Officer (Tamil Nadu Land Reforms),
Tuticorin District.**

**3.The Sub Registrar,
Kayathar,
Tuticorin District 628 952.**

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records of the 1st respondent in its Na.Ka.No.M1/14081/2017 dated 29.09.2020 and quash the same.



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For Petitioner : Mr.V.Vijayashankar

For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

Without even initiating proceedings under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, the order dated 29.09.2020, which is impugned in the writ petition, has been passed by the third respondent on the instructions of the second respondent.

2. It is the case of the petitioner that he had purchased several bits of lands over a period of time in the village of Vadakkilandakulam in Kayatharu Taluk, Tuticorin District. The purchase was made for putting up a hospital and its related activities. The petitioner would submit that the purchase of small bits was not difficult but the major portions were proving to be difficult task. The petitioner had also got a loan sanction from the Axis Bank in October 2023 to the tune of Rs.9 Crore. In order to finalize the registration formalities, the petitioner had approached the Office of the Sub Registrar/the third respondent, who informed them that the lands held by the petitioner were in excess of the ceiling limit, as prescribed under the Land Reforms Act, 1961 and action had been initiated under



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Section 20A of the Act. The first respondent had instructed the third respondent that till such time the formalities under the Land Reforms Act were completed or the excess ceiling limit regularized under Section 37A or B of the Act, registration of lands should not be accepted. The Sub Registrar gave a copy of the said letter dated 29.09.2020 to the petitioner. It is only then that the petitioner became aware of the facts. Hence, the writ petition.

3. A counter affidavit has been filed by the second respondent, wherein nowhere does it state that the proceeding under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land), Act, 1961 has been undertaken by the respondents. It is the case that they have received a complaint that the land owner or the private companies are possessing the lands over and above the statutory holding limit. A detailed enquiry was conducted from the instructions of the District Collector, Thoothukudi and land ceiling enquiry process was also initiated. However, the details of the procedures have not been elaborated in the counter. The counter has not dealt with the procedure under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961. Therefore, it is very clear that the proceedings under the Act had not been initiated. Without initiating the



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proceedings and identifying the surplus land in the property, the communication and the act of the third respondent pursuant to the same cannot be countenanced. As and when the ceiling proceedings are initiated, it is well open to the petitioner to approach the respondents after coming to the conclusion pursuant to the enquiry that the petitioner was holding the lands in excess of ceiling limit, the respondents can proceed to injunct the property from further alienations.

4. In the result, the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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

29.10.2024

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To

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Tuticorin District,
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P.T.ASHA, J.

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