



W.P.(MD) No.25259 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.25259 of 2024

M/s.Narendra Dairy Farms (P) Ltd.,
Periyaveedu, Pappampatty Village,
Palani Taluk, Dindigul District,
Rep., by its Director,
R.Jagadish Kumar.

.. Petitioner

Vs.

- 1.The Secretary to Government,
Department of Revenue,
Fort St. George, Chennai.
- 2.The District Collector,
Dindigul District,
Dindigul.
- 3.The District Revenue Officer,
Dindigul Collectorate,
Velunachiyar Complex,
Dindigul.
- 4.The Revenue Divisional Officer,
Palani, Dindigul District.
- 5.The Tahsildar,
Palani Taluk, Dindigul District.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the second, third and fourth respondents to return the excluded lands to an extent of 102.83 acres, covered under Section 3(22) of the act and Reconvey the retainable extent of 15 + 15 standard acres under Section 5(1)(a) of the Tamilnadu Land Reforms (Fixation of Ceiling on Lands) Act 58/1961 as amended Act 17/1970.

For Petitioner : Mr.Sarath Chandran
Senior Counsel
for Mr.R.M.Loganathan

For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

Aggrieved by the fact that the respondents are evading to return the retainable portion under Section 5(1)(a) and excluded lands under Section 3(22) of the Tamilnadu Land Reforms (Fixation of Ceiling on Lands) Act, 1961 (Act 58 of 1961) (hereinafter referred to as “the Act”), the petitioner is before this Court.



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2. The short facts are as follows:

The total extent of 1238.69 Acres in various survey numbers of Andipatty Village, Palani Taluk, Dindigul District, belonged to two families of Sethupathy Subba Naicker and Duraisinga Lakshmana Naicker. The families were running a dairy business under the name and style of the petitioner and all the lands stood in the name of the petitioner represented by its Managing Director. It is submitted that the above lands were in excess of the land holding and had attracted the provisions of the Act. The respondents had therefore, initiated acquisition proceedings and had determined compensation under the Act.

3. The petitioner would submit that subsequent to the notification under the Act, the respondents had acquired an extent of 1133.52 Acres and a final statement under Section 50(6) of the Act was published in the Tamil Nadu Government Gazette on 15.10.1985. A extent of 102.83 Acres in different survey numbers was excluded as not fit for cultivation and covered under section 3(22) of the Act. The respondents however,



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had not subdivided the entire extent of 102.83 Acres and returned the said lands. The petitioner made a representation on 20.04.2023 followed by another representation on 29.05.2023 and further on 30.06.2023 to return the retainable portion and excluded lands. Since no action has been taken, the petitioner is before this Court.

4. Heard the learned counsel on either side.

5. Admittedly, proceedings had been initiated under the Tamilnadu Land Reforms (Fixation of Ceiling on Lands) Act, 1961 and after taking over the excess lands, the extent of the retainable lands had also been arrived at. However, the respondents had not handed over the same to the petitioner and therefore, the representations have been made. These representations have not been considered by the respondents. Therefore, a mandamus is issued to the respondents to consider the representation made by the petitioner on 20.04.2023 and pass orders within a period of one month from the date of receipt of a copy of this order and report compliance to this Court.



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6. With the above direction, this Writ Petition is allowed. No costs.

22.10.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

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P.T.ASHA, J.

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