



W.A.No.1271 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2025

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CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No.1271 of 2013
and M.P.No.1 of 2013

1. P.Stanley Buck (died)
 2. Dr.Mrs.P.Sethu Ammal
 3. Dr.Rena Rosalind
- (P2 and P3 substituted vide order dated 13.03.2023
in CMP No.5607 of 2023)

.. Appellants

Vs

1. The Land Commissioner (Land Reforms),
Chepauk, Chennai.
2. The Assistant Commissioner,
Land Reforms, Erode – 638 001.
3. A.K.Parvathammal
4. Aruchamy
5. Duraisamy
6. Ayyasamy
7. Solavammal
8. Perumalsamy
9. Rangammal
10. Indirani
11. V.Rajeswari
12. A.R.Venugopal
13. R.Natarajan



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- 14.Aran
15.Kannammal
16.Chinnasamy
17.Sivasamy
18.Kamalaveni
19.J.Kondasamy
20.Govindaraj
21.Vijayalakshmi
22.J.Vimala
23.K.Rangaraju
24.Pappathy
25.P.Muthusamy
26.Selvaraj
27.Jothy @ Jothimani
28.N.Ramakrishnan
29.Ayyasamy
30.Selvan @ Selvaraj
31.Ayyasamy
32.Jayalakshmi
33.Selvaraj
34.S.Nagarathinam
35.S.RAdhamani
36.Amaravathi
37.Krishnaveni
(R4 to R37 impleaded vide order dated 05.01.2024
in CMP No.9191 of 2020)

.. Respondents

Prayer : Appeal filed under clause 15 of the Letters Patent against order dated 07.06.2011 made in W.P.No.8140 of 2004 on the file of this Court.

For Appellant : Mr.Krishna Ravindran
for M/s.Mannarsamy

For Respondent : Mr.P.Muthukumar
Additional Advocate General
Assisted by Mr.S.JohnJ.Raja Singh



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Additional Govt. Pleader -R1 and R2
Mr.P.SaravanaSowmiyan – R4 to R37
R3- Given up vide order dated
08.03.2023.

JUDGMENT

(Delivered by Dr. ANITA SUMANTH.,J)

The Appellant had purchased the lands in S.Nos. 616, 617/2 and 662 admeasuring a total of 10.58 acres ('lands'/'lands in question') from one Mrs.A.K.Parvathammal (in short 'landowner') by way of sale deed dated 07.03.1984.

2. Proceedings had been initiated for acquisition of the lands that had culminated in an order passed by the Land Commissioner on 30.08.2000 that he had challenged before the TN Land Reforms Special Appellate Tribunal under Section 83 of the TN Land Reforms (Fixation of Ceiling on land) Act 1961 (in short 'Act').

3. The appeal had been transferred to this Court before whom the prayer was for a writ of Certiorari seeking quash of order dated 30.08.2000 and setting aside of G.O.Ms.No.1011 Revenue, dated 03.12.1993 published in Tamilnadu Government Gazette dated 9th December, 1993 Part II, Section I, insofar as it concerns the lands of the petitioner and forbearing the respondents from interfering with the same.



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4. The writ petition has come to be dismissed by way of order dated 07.06.2011 as against which the present appeal has been filed.

5. We have heard the detailed submissions of Mr.Krishna Ravindran, learned counsel appearing for Mr.Mannarsamy, learned counsel on record for the appellant, Mr.P.Muthukumar, learned Additional Advocate General, assisted by Mr.John J.Raja Singh, learned Additional Government Pleader for the State and Mr.P.Saravana Sowmiyan, learned counsel for R4 to R37.

6. The sum and substance of the submissions before us by the petitioners is two-fold, that the appellant had purchased the lands in 1984 prior to the initiation of proceedings upon the landowner/Mrs.A.K.Parvathammal under the Act and that the lands in question had not been part of the Statements issued under the provisions of the Act.

7. The sequence of events in regard to the acquisition of the subject lands is as follows. This narration is recorded after ploughing through four volumes of old records produced by the State.

8. Summons had been issued under Section 11(2) of the Act on 31.12.1966 to the landowner. On 10.01.1967, a reminder was issued



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calling for her appearance as well as return, under Section 8(1) of the Act.

She was informed that if she did not appear on the stated date, action in relation to her landed properties would be taken as contemplated under Section 85 of the Act to launch prosecution.

9. On 08.03.1967, notice was issued under Section 7 of the Act. It is only for this notice that an acknowledgement card has been placed, the date of delivery therein stated therein being 10.03.1967. No acknowledgement has been placed in respect of the earlier summons and reminder. Subsequent communications calling for her appearance are also produced before us dated 06.04.1967, 24.04.1967, 05.06.1967 and 23.06.1967.

10. Inter alia, there is a reference to A.S.No.188 of 1962 pending before the High Court, Madras. The parties have not referred to the same and neither does the Bench have the benefit of what that matter involved or what the result of it was. On 01.08.1967, a notice was issued enclosing a schedule of properties by the Superintendent/Authorised Officer addressed to the Special Revenue Inspector (Land Reforms), Coimbatore which was directed to be served upon the pattadar/landowner under acknowledgement and forwarded back to the office within a week.



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11. Just that memorandum, dated 01.08.1967 is produced before us and neither the schedule of properties nor the acknowledgement from the office of the Special Revenue Inspector (Land Reforms) has been placed for our consideration.

12. The Department continues to correspond with the landowner asking for particulars in regard to her holdings, culminating in proceedings dated 12.09.1974, referring to earlier proceedings dated 20.03.1974. The objections of the landowner have also been referred to therein.

13. In conclusion, the officer accedes in respect to the objections as well as request for exemption, the Authorised Officer proposes action in terms of Notification dated 09.09.1974 and Annexure under Section 9(2)(b) of the Act.

14. The extract of the Register in Form I issued by the Authorized Officer (Land Reforms) is dated 01.11.1962, even four years prior to the issue of summons. The lands that have been identified are as follows:

*MEMORANDUM OF THE AUTHORISED OFFICER (LAND
REFORMS)
COIMBATORE.*

Sri V.RATHINASWAMY

186/CBE/62.

Dated: 1.11.62

.....



EXTRACT

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Name of person	Name of the Village in which Lands are held	EXTENT	
		Ordinary Acres	Standard acres
Parvathammal W/o Late Krishnaswamy Gounder Alandurai Post	Alandurai Ikkaraibooluvampatty, Madhavarayapuram	95-52 63-07 238-87	37-55 58-27 59-72 ----- 155-54 -----

AUTHORISED OFFICER

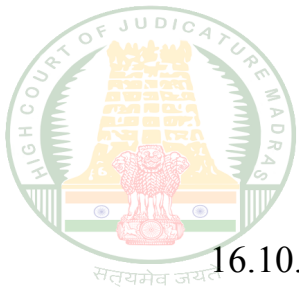
The Special Revenue Inspector (Land Reforms)

Copy to the Special Deputy Tahsildar (Land Reforms)

15. The Special Revenue Inspector has been required to make enquiries in the village and submit a report in Form II. Section 10(1) of the Act provides for the '*preparation and publication of draft statement as regards land in excess of the ceiling area*'.

16. The ceiling area has been stipulated under chapter II, entitled '*Fixation of Ceiling on Land Holdings*' and has been fixed at 15 standard acres for every family comprising less than 5 members with an additional 5 standard acres for every member of the family in excess of 5. Section 10 provides for the preparation and publication of draft statement as regards land in excess of the ceiling area and sets out the procedure therefor.

17. The first draft statement issued under Section 10(1) is dated



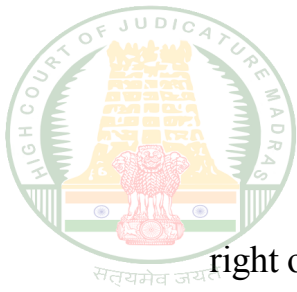
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16.10.1974 and the subject lands admittedly figured therein. The draft statement was served on the landowner who objected to the same. An enquiry was conducted thereupon. An order under Section 10(5) was passed on 14.07.1975, taking note of the objections raised by the landowner and other interested persons.

18. The Authorised Officer held that the landowner held an extent of 118.770 standard acres of agricultural holdings as on 06.04.1960, draft statement under Section 10(1) was published on 16.10.1974, objections were called for and considered. He concludes that the surplus would be fixed at 72.384 standard acres.

19. As against the same, the landowner preferred an appeal in LTA No.169 of 1975 before the Land Tribunal at Coimbatore. The order of the Authorised Officer was set aside and the matter was remitted to the Authorised Officer for fresh disposal and after giving opportunity to the landowner to adduce necessary oral and document evidences. With this, the statement of lands as recorded in 1974 is of absolutely no use to the State as the procedure is to commence all over again, from scratch.

20. As against the order that was passed by the officer on remand, multiple appeals had been filed by the landowner and third parties claiming



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right over the lands that had been notified that were once again, challenged before the Tribunal. Ultimately the Tribunal by order dated 19.03.1990 remanded the matter once again to the Authorised Officer for fresh disposal after holding enquiry as contemplated under Section 22 of the Act in respect of sales that had taken place after commencement of the Act but before the notified date.

21. Again, like a game of snakes and ladders, the matter went back to the initial stage, notices were issued, enquiry conducted and a Notification under Section 18(1) dated 18.08.1981, approved in G.O.Ms.No.1977 Revenue Department dated 11.09.1981) was issued, declaring an extent of 264.52 and half ordinary acres, equivalent to 72.102 standard acres as surplus. This Notification also does not contain reference to the subject lands.

22. The landowner filed C.R.P.No.4721 of 1982 before the High Court, which, by order dated 04.04.1984, remitted the matter again to the Land Tribunal and the Principal Subordinate Judge, Coimbatore for fresh disposal in accordance with law. The Land Tribunal, Madurai in its judgment dated 28.02.1985 remitted the matter back to the Assistant Commissioner, Coimbatore for decision afresh.



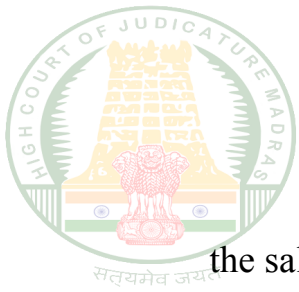
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23. This culminated in an order under Section 10(5) of the Act being publication of revised final statement in the Tamil Nadu Government Gazette dated 12.02.1986. However, neither Statement dated 18.08.1981 or 12.02.1986 or even the subsequent Notification issued on 09.12.1993 include any reference to the subject lands.

24. The State relies on the position that under the 1962 Memorandum, being Extract of Register in Form I issued by the Authorised officer, an extent of 287.52 and a half ordinary acres, equivalent to 72.384 standard acres of land had been declared as surplus land and hence all the sales made thereafter would be tainted. We do not agree as that that Memorandum does not contain any schedule of lands with survey numbers.

25. The Statement issued under Section 10(1) of the Act on 16.10.1974 admittedly contained reference to the survey numbers of the lands in question but has been set aside by the Tribunal. The sales to the Appellant have been made in 1984. Three Statements have been issued, one before on 18.08.1981 and two thereafter, on 12.02.1986 and 09.12.1993, neither of which contain reference to the survey numbers of the properties in question. In such circumstances, the only inference is that



the sales made to the Appellant are of properties that were never identified as being excess.

26. The learned Judge while considering the challenge to order dated 30.08.2000, refers to an order passed on 29.02.1989 in R.P.No.32 of 1989 in the case of A.K.Parvathammal, extracting paragraphs 4 and 5 of that order, which we extract herein as well:

'4. A perusal of the records and the report of the Assistant Commissioner (Land Reforms) Coimbatore show that several alienations were effected by the landowner on various dates in between the date of commencement of the Act (i.e.) 6.4.60 and the notified date (i.e. 2.10.62) but before the publication of the notification under Section 18(1) of the Act (in the Tamil Nadu Government Gazette dt. 12.2.86). Those transactions attract sections 22 and 23 of the Act. At the time of hearing, the landowner stated that she had alienated her holdings to several persons that the lands sold to them need not be declared as surplus, that they be kept in her retainable portion and that the lands to an extent of 10.00 acres (details not furnished) which have not been alienated to anybody, be allowed to be retained for her personal use.

5. In the above circumstances, the Assistant Commissioner (Land Reforms) Coimbatore is directed to examine all the alienations effected in the case of this landowner and take action under Sections 22 and 23 of the Land Reforms Act, wherever necessary and to include the lands, wherever necessary, within the ceiling area of the landowner, in chronological order from earlier sales in the cases of the transactions which attract section 23 and in accordance with provisions of sections 10(4-A) and 10(4-B) of the Act in the cases of transactions which attract section 22 of the Act and take necessary follow up



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action with reference to the provisions of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act to amend the final statement suitably.'

27. Learned Judge concludes that as the aforesaid order in R.P.No.32 of 1989 had not been challenged by Parvathammal, the present appellant should not be permitted to claim a separate right in respect of the same lands. However, in the two paragraphs extracted by the learned Judge, we do not find any reference to the Notifications or Statements, issued in 1974, 1981, 1986 or 1993.

28. We may also make useful reference to counter dated 28.10.2016 filed by R1 and R2 in the Writ Petition, wherein they make clear, at paragraph 4 (i), that the subject properties were not notified as 'surplus lands' in Notification dated 12.02.1986. The averment in counter is extracted below:

4) I submit the facts of the case leading to the filing of the present Writ Appeal.

(i) Tmt.A.K.Parvathammal w/o Late Krishnasamy Gounder, the 3rd respondent of Alandurai Village of Coimbatore district was a person attracted under the provisions of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58/61) hereinafter referred to as 'the Act'. After following the procedures laid down under the Act, the notification under section 18(1) of the Act was published in the Tamil Nadu Government Gazette dated 12.2.86 declaring an extent of 242.23 ½ ordinary acres equivalent to 73.053 standard



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acres as surplus. The subject lands of 601,604, 605, 616, 617/2,662,663 altogether covering an extent of 51.03 acres were not notified as surplus in the above said notification dated 12.2.86.'

29. We have found that the lands in question did not figure in the Notification/Statements issued in 1981 as well. With this, the factual position is very clear that the subject land was free from encumbrances at the time of purchase of the same by the appellant, and with this, the purchase of the properties in 1984 by the appellant are in the clear.

30. This Writ Appeal is allowed. No costs.

[A.S.M., J] [C.K.,J]
29.04.2025

Index:Yes
Speaking order
Neutral Citation:Yes
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To

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.



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DR. ANITA SUMANTH.,J.
and
C.KUMARAPPAN,J.

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2. The District Revenue Officer,
Thiruvannamalai District,
Thiruvannamalai.
3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Cheyyar Taluk, Thiruvannamalai District.
4. The Tahsildar,
Cheyyar Taluk,
Thiruvannamalai District.

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