IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-10-2025

CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

WA No. 1756 of 2021
and
CMP No. 11003 of 2021

1.The Government of Tamil Nadu
Rep. by the Secretary to Government
Revenue Department, Fort St. George,
Chennai-600009.

2.The Commissioner
Urban Land Ceiling and Urban Land
Tax, State Of Tamil Nadu, Urban Land
Ceiling Office, Chepauk,
Chennai-5

3.The Assistant Commissioner,
Urban Land Ceiling and Urban Land
Tax, Poonamallee Division, No.5,
Sannathi Street, Poonamallee,
Chennai-600056

4.The Commissioner,
Land Reforms, State of Tamil Nadu,
Land Reforms Commissioner Office,

Chepauk,
Chennai-600005.

5.The Assistant Commissioner
Land Reforms, Villupuram,
Villupuram District.

Appellant(s)

Vs

1.S.Chandra Baskara Marthandan
2.Mr.Chandra Sekaran
3.Mrs.Kathiroli Manickam

[R3 is impleaded, vide order dated 06.12.2024 made in CMP.No.18640 of 2021 in WA.No.1756 of 2021]

Respondent(s)

PRAYER

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 28.11.2019 in WP No.33509 of 2013 and allow this Appeal.

For Appellant(s): Mr.R.Raman Laal, AAG
Assist. By
Mr.T.Arunkumar, AGP

For Respondent(s): Mr.M.K.Kabir, Senior Counsel
For Mr.T.Jayaraman For R1
No Appearance For R2
Mr.S.Thankasivan For R3

J U D G M E N T

(Judgment was delivered by S.M.Subramaniam J.)

The facts in nutshell reveal that the Government notified surplus lands, including the subject land, under Sub-Section (1) of Section 18 of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, [herein after referred to as '1961 Act'] through a Notification dated 18.11.1981. Consequently, the subject land vested with the Government.

2. The 1st respondent/writ petitioner purchased the subject land from the original owner Mr.Y.Sambu Prasad vide sale deed dated 30.09.1991. The said sale became null and void, since the land absolutely vest with the Government pursuant to the notification dated 18.11.1981 issued under the provisions of the 1961 Act.

3. The Government was unaware of the alienation made by the original owner and assigned the subject land to the landless poor person on conditions. The assignment was made vide proceedings dated 06.12.1993.

The said assignment order shows that the land was acquired from the original land lord Mr.Y.Sambu Prasad and it was assigned in favour of one Mr.Chandra Sekaran son of Krishnan, who was identified as landless poor farmer belongs to backward community. The assignment order in Form-F was issued under the provisions of the Tamil Nadu Land Reforms (Disposal of Surplus Lands) Rules, 1965. The conditions are expressly stipulated in the assignment order. One of the condition imposed in Condition No.6 reads as under:

> *"6. The land assigned shall not be sold or otherwise alienated before the expiry of a period of twenty years from the date of assignment or before the payment of the value of the land and buildings and trees , thereon in full, whichever is later and not even thereafter in respect of lands assigned to a member of Scheduled Castes or to a member of Scheduled Tribes except to other members of the Scheduled Castes or to the other members of the Scheduled Tribes, as the case may be."*

4. The 3rd respondent, Mrs.Kathiroli Manickam, is said to have been purchased the land from the assignee in the year 2001. Therefore, the 3rd respondent is claiming to be an innocent purchaser.

5. In the context of the above facts, it is relevant to consider the provisions of the Act. It is not in dispute that the surplus land was acquired by the Government vide notification dated 18.11.1981 under Section 18(1) of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961.

6. Subsequently, the land was assigned to a landless poor person belonging to the backward community. The conditions stipulated in the assignment order show that the assigned land cannot be alienated for a period of 20 years or the cost of the land is to be paid by the assignee. These conditions were admittedly violated.

7. The conditions imposed in the assignment order are traceable under the provisions of the Tamil Nadu Land Reforms (Disposal of Surplus Lands) Rules, 1965. Rule 9(1)(iii)(a) enumerates The land will vest absolutely in the assignee only after the value of the land and the buildings and trees thereon is paid [in full or after the expiry of a period of twenty years from the date of assignment whichever is later]".

8. Other conditions are contemplated under the Rules, which were incorporated in the assignment order. Therefore, after issuance of the notification by the Government of Tamil Nadu, land absolutely vested with the Government. Thus, the subsequent alienation made by the original landlord in favour of the 1st respondent is null and void, as the original landowner did not possess transferable valid title or right over the property. Thus, the sale deed executed in favour of the 1st respondent is null and void and unenforceable.

9. As far as the 3rd respondent is concerned, she purchased the land from the assignee in the year 2001, whereas the assignment was made in the year 1993. Therefore, the alienation made by the assignee within a period of 20 years is in violation of the assignment conditions imposed in the assignment order. Thus, the said sale cannot be held as valid.

10. The learned Senior Counsel appearing on behalf of the 1st respondent and the learned counsel appearing on behalf of the 3rd respondent claim benefit under innocent purchaser scheme implemented by the

Government.

11. However, the Government order relied on by the 1st respondent relates to the Tamil Nadu Urban land (Ceiling and Regulation) Act, 1978. The Government has stated in their counter that innocent purchaser scheme is not applicable in respect of the lands acquired under the provisions of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961. The scheme was implemented in respect of the Ceiling and Regulation Act of the year 1978.

12. Even under the said Act, the respondents 1 and 3 cannot be construed as innocent purchasers, is the arguments advanced by the learned Additional Advocate General.

13. Be that as it may, this Court is of the considered opinion that alienations made by the original landlord in favour of the 1st respondent after the land was taken over by the Government, and the subsequent purchase made by the assignee in favour of the 3rd respondent, are in violation of the provisions of the Act. The transferors had no transferable right, rendering both

alienations null and void.

14. The proposals submitted by the Subordinate Officers to the Government cannot be a ground to contend that the benefit of innocent purchasers scheme should be extended. When the scheme itself is not applicable to the acquisition made under the provisions of the Tamil Nadu Act, 58 of 1961, the scheme implemented in respect of 1978 Act cannot be of any avail to the respondents 1 and 3 for the purpose of transferring title or seeking any other benefit.

15. The Writ Court has not considered the scope of the provisions of the 1961 Act, but proceeded on the basis that innocent purchaser scheme would be applicable in respect of the alienations made in favour of respondents 1 and 3 under the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978, which has no application in the context of the present facts.

16. The Writ Court has not considered the fact that the innocent

purchaser scheme was not applicable to the land acquired under the 1961 Act. That apart, the Government has not considered the cases till now. Several years lapsed and at this length of time, neither the scheme nor the land transfer can be effected by issuing a direction by the High Court in exercise of power of judicial review under Article 226 of the Constitution of India.

17. For all these reasons, the writ order dated 28.11.2019 passed in W.P.No.33509 of 2013, is set aside and the Writ Appeal stands allowed. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

(S.M.SUBRAMANIAM J.)(M.JOTHIRAMAN J.)
14-10-2025

Index:Yes/No
Speaking/Non-speaking order
Neutral Citation:Yes/No

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