



W.P.Nos.4841 & 16957 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.4841 & 16957 of 2018

and

WMP.Nos.5981 & 20191 of 2018

WP.No.4841 of 2018

1.Durairaj(died)

2.Anandkumar

3.Kalpana

(petitioners 2 & 3 substituted in the place of the deceased first petitioner vide order dated 10.09.2025 made in WMP.No.32067 of 2022 in WP.No.4841 of 2018)

... Petitioners

Vs.

1.Assistant Commissioner,
Land Reforms, Erode

2.The Sub-Collector,
Authorised Officer and
Assigning Authority,
Dharapuram, Erode District

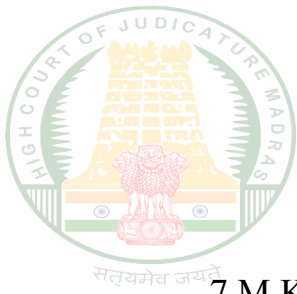
3.Commissioner of Land Reforms,
Chepauk, Chennai-5

4.Duraisingh

5.Rathinaswami

6.Kaliappan

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W.P.Nos.4841 & 16957 of 2018

7.M.Krishnaswami
8.M.Kaliappan
9.P.Kittuswami
10.Palaniammal
11.Kanniyakumari
12.Masani
13.N.Venkatachalam
14.N.Neelavathy
(respondents 13 & 14 impleaded vide order
dated 12.10.2022 made in WMP.No.5754
of 2020 in WP.No.4841 of 2018)

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus praying to call for the records of the third respondent in RP.No.8 of 2017 dated 18.01.2018, quash the same and consequently direct the respondents to accept the alternative land in S.Nos.630 & 631 of Chinnakampalayam Village, already given by the petitioners.

For Petitioners : No appearance

For Respondents

For R1 to 3 : Mr.T.Arun Kumar,
Additional Government Pleader

WP.No.16957 of 2018



W.P.Nos.4841 & 16957 of 2018

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Nanban Trust
rep. By its Secretary
Ashok Nagar III Street,
Kochadai, Madurai 625 016

... Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by the Secretary to the Government,
Department of Land Revenue,
Fort St.George, Chennai – 600 009
2.The Land Commissioner,
Chepauk, Chennai 600 005
3.The Assistant Commissioner
(Land Reforms), Erode District
4.The Sub Collector,
Dharapuram
5.Dorairaj,
6.Durai Singh
7.Rathanaswamy
8.Kaliappan
9.M.Krishnaswami
10.M.Kaliappan
11.Kittusami
12.Palaniammal
13.Kanniyakumari
14.Sakthivel
15.Masani
16.Krishnamoorthy
17.N.Venkatachalam
18.N.Leelavathi

... Respondents

PRAYER:



W.P.Nos.4841 & 16957 of 2018

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Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus praying to call for the records of the second respondent relating to the order dated 18.01.2018 in RP.No.8 of 2017 on the file, quash the same and direct the respondents 1 to 4 to restore the lands in S.Nos.714/1, 714/2 and 714 in Dalavaipattinam Village, Tirupur District to the petitioner.

For Petitioner : M/s.R.Meenal

For Respondents

For R1 to 4 : Mr.T.Arun Kumar,
Additional Government Pleader

COMMON ORDER

The writ petition in WP.No.4841 of 2018 has been filed to quash the order of the third respondent passed in RP.No.8 of 2017 dated 18.01.2018 and to direct the respondents to accept the alternative land in S.Nos.630 & 631 of Chinnakampalayam Village, already given by the first petitioner. The writ petition in WP.No.16957 of 2018 has been filed to quash the order of the second respondent dated 18.01.2018 passed in RP.No.8 of 2017 and to direct the respondents 1 to 4 to restore the lands in S.Nos.714/1, 714/2 and 714 in Dalavaipattinam Village, Tirupur

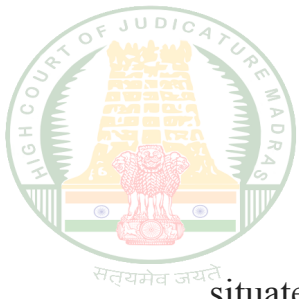


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2. It is seen that both the writ petitions have been filed challenging the same order dated 18.01.2018 thereby dismissing the revision in RP.No.8 of 2017. WP.No.4841 of 2018 has been filed by the land owner and WP.No.16957 of 2018 has been filed by the purchaser.

3. As stated in WP.No.4841 of 2018, the land owner owned the land admeasuring 22.36 acres equivalent to 5.589 standard acre comprised in SF.No.714/1, 714/2 & 714/4 situated at Dalavaipattinam Vilage, Tiruppur district. As per the notification issued under Section 18(1) of the Act, published in Government Gazette dated 08.03.1974, the first respondent declared the subject land as surplus land. Subsequently, the first respondent assigned the surplus land to respondents 4 to 14 herein by the proceedings dated 22.11.1996. Aggrieved by the said assignment and declaration under Section 18(1) of the Tamilnadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, hereinafter called as 'the Act' the petitioner filed revision in RP.No.19 of 1998 requesting to accept the alternate land in lieu of the land comprised in SF.No.714

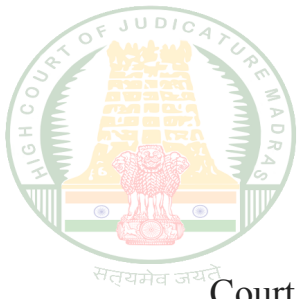


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situated at Dalavaipattinam Village offered by the land owner by the land comprised in survey Nos.630 and 631 of Chinnakampalayam Village, Tiruppur. By an order dated, 10.04.1998, the Land Commissioner set aside the final settlement under Section 18(1) of the Act and directed the Assistant Commissioner to propose the fresh final settlement under Section 18(1) declaring an extent of 5.589 standard acres comprised in survey Nos.630 and 631 situated at Chinnakampalayam Village, Tiruppur in lieu of the alternate lands offered by the land owner and directed the Assistant Commissioner, Erode to proceed further. It was challenged by the assignee in WP.No.5343 of 2006 before this Court and this Court set aside the order dated 10.04.1998 in RP.No.19 of 1998 and also the consequent notification issued under Section 18(1) of the Act dated 23.03.2005. Thereafter, the third respondent issued notice for enquiry in RP.No.8 of 2017 and conducted enquiry after giving opportunity of hearing to all the parties and passed detailed order dated 18.01.2018, thereby rejected the request made by the petitioner.

4. In fact, the earlier order passed by the third respondent in RP.No.19 of 1998 on the request to accept the alternate land in lieu of the land which was declared as surplus land, was challenged before this



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Court in WP.No.5343 of 2006 and the same was allowed by this Court by order dated 06.07.2012. However, the third respondent once again conducted detailed enquiry and passed order.

5. On perusal of records, it is revealed that as per Section 9(2) (B) of the Act, the authorised officer shall give reasonable opportunity to the land owner for making his representation for adducing evidence, if any to determine the total lands held by the land owner, land entitled to be held within ceiling limit and the lands liable to be declared as surplus land. Accordingly, the land owner was issued notice and detailed enquiry under the Act was conducted. Thereafter, draft statement was prepared in respect of each person holding or deemed to be held land in excess of the ceiling limit and to be declared surplus. Thereafter, draft statement under Section 10 (1) of the Act is to be prepared in the prescribed formats under the Rules and published in the Tamilnadu Government Gazette by the authorized officer. The copy of the draft statement was also duly served to the land owner. Thereafter as contemplated under Section 10(5), if any objection raised by the land owner on the draft statement prepared under Section 10(1), the authorized officer shall consider the objection received from the land owner and pass orders after conducting field inspection.

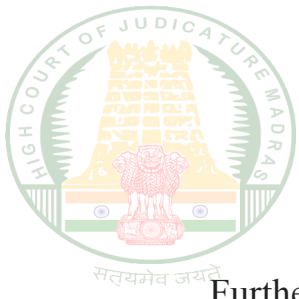


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Accordingly order has been passed under Section 10(5) of the Act. Thereafter, the authorized officer prepared final statement as contemplated under Section 12 of the Act and published in the Tamilnadu Government Gazette specifying therein the subject land was declared as surplus. After final statement as contemplated under Section 12 of the Act, notification was issued under Section 18(1) of the Act showing the details of the excess lands as surplus and stating that the surplus land is required for public purpose. Accordingly, notification was issued under Section 18(1) of the Act. After notification was issued under Section 18(1), any transfer of land held by land owner by gift, sale, exchange, surrender, settlement or any other manner between 15.02.1970 and 02.10.1970 as the effect of reducing the extent of surplus land in excess of ceiling or such transaction or partition, whether bonafide or not, shall be void as per the Section 22 of the Act.

6. In the case on hand, the land owner sold the subject property in favour of the petitioner in WP.No.16957 of 2018 after the publication of the notification under Section 18(1) of the Act. Therefore, the subject surplus land was assigned in favour of respondents 4 to 14 herein.



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Further, the third respondent also ordered that the land which is allotted in favour of respondents 4 to 14 is to be sub divided and specific possession recorded and acknowledged with changes in revenue records as per procedure laid down under assignment to the eligible assignees as per assignment order. Therefore, the land owner or subsequent purchaser cannot claim any right to hold the subject lands in view of Section 5 (3-C) of the Act and no application under Section 37-B is pending. In fact, the sale of the lands by the land owner in favour of the Trust is void as the subject lands were surplus lands. Hence this Court finds no infirmity or illegality in the impugned order. As such, both the writ petition are devoid of merits and the same are liable to be dismissed.

7. Accordingly, both the writ petitions are dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

Neutral citation: Yes/No
Index: Yes/No

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Speaking/Non-speaking order
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To
1.Assistant Commissioner,
Land Reforms, Erode
2.The Sub-Collector,
Authorised Officer and
Assigning Authority,
Dharapuram, Erode District

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3. Commissioner of Land Reforms,
Chepauk, Chennai-5

4. Secretary to the Government,
The State of Tamil Nadu,
Department of Land Revenue,
Fort St. George, Chennai – 600 009

5. The Land Commissioner,
Chepauk, Chennai 600 005

6. The Government Advocate,
High Court of Madras

G.K.ILANTHIRAIYAN, J.

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