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W.P.No.10660 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2025

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No.10660 of 2023
and W.M.P.No.10586 of 2023

1 M.Ganesh B.Tech (DECEASED)

2 KALAIYARASI

3 PREETHI MOOGAMBIKA

4 SUHITHA MOOGAMBIKA

5 SEENITHAI

(P2 TO P5 are substituted as lrs of the deceased P1
as per order dated 31.01.2025 in WMP.42009 of 2024,
in this W.P.).

..Petitioners

Vs.

1 The Chief Secretary

Government of Puducherry, Puducherry.

2 Deputy Collector(Revenue)-Cum- Authorised Officer

(Land Reforms) Karaikal,

Government of Puducherry Karaikal.

..Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for records of the 2nd respondent in No. MRI-112/DCR-AO(LR)/KKL/2023/164 Karaikal dated 23.02.2023 and quash the same and to direct the respondents to accept the proposal of depositing the GLR Value for the retention of the lands situated at R.S.No. 135/1 to an extent of 1H 53 Ares



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and 09 c.a in Thennangudy in Thirunallur Taluk, Karaikal (ii) or consider either by releasing or assigning or transferring on concession or on the price to be fixed for the land situated at R.S.No.135/1 to an extent of 1H 53 Ares and 09 c.a. in Thennangudy in Thirunallar Taluk, Karaikal, within a time frame stipulated by this Honble Court.

For Petitioners : Mr.V.Manohar

For Respondents : Mr.R.Sreedhar
Additional Government Pleader

ORDER

The challenge in this Writ Petition is to the order passed by the second respondent dated 23.02.2023 and to quash the same and to direct the respondents to accept the proposal of depositing GLR value for the retention of the lands situated at R.S.No.135/1 to an extent of 1H 53 Ares and 09 c.a in Thennangudy in Thirunallur Taluk, Karaikal (ii) or consider either by releasing or assigning or transferring on concession or on the price to be fixed for the aforesaid land within a time frame stipulated by this Court.

2. The learned counsel appearing for the petitioner would submit that the land (morefully described in the prayer to this Writ Petition) was purchased by the petitioner under two registered sale deeds dated 19.10.2001



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from one Jemila; that since the subject land falls under the category of 'Land Ceiling Proceedings', the petitioner made a request for retention of the subject land against other lands held by petitioner's vendor's vendor, as, one M/s.H&R Johnson (India) Ltd., in a Writ Petition filed by their vendor-T.Ramanathan, in W.P.No.3641 of 2003 got impleaded as second petitioner and had offered another land as exchange for the retention of their land, and this Court vide order dated 14.08.2019 disposed of the said Writ Petition directing the petitioners therein to make a fresh application, pursuant to which, the Deputy Collector (Revenue) Cum Authorized Officer (Land Reforms) vide its letter dated 01.07.2019, fixed the Guideline Register Value (in short, GLR value) as Rs.70/- per sq.ft.; that therefore, the petitioner wanted the benefit of the said order to be extended to him as well, inasmuch as, the petitioner intends to utilize the land for establishish an Industrial Unit and made a representation in that regard to the respondents expressing his willingness to deposit the glr value of the subject land; that however, the second respondent refused to accept the same, by virtue of the impugned order dated 23.02.2023. Challenging the said order, the petitioner has filed the present Writ Petition.



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2.1 It is the contention of the learned counsel for the petitioner that in the year 1997, an industrial policy was issued by the Government of Puducherry, wherein, the petitioner's land was identified as industrial land. Therefore, it is contended that though by virtue of the Draft Statement issued by the Authorized Officer, dated 08.01.1980, the petitioner's land falls under the category of 'Excess Land', subsequent to the issuance of Industrial Policy by the Government of Puducherry, the petitioner's land was identified as industrial area and hence, it has to be excluded from the purview of agricultural land. The learned counsel for the petitioner also referred to Section 23 of the Act and submits that any individual intends to retain the said agricultural land for the purpose of industrial activities, he/she can retain the said land, provided, he/she should make an application and get permission/approvals/clearances from the various Departments as provided under Section 23 of the Act, but, so far as the petitioner's land is concerned, the Government of Puducherry, themselves have come forward with an industrial policy declaring the said land as an industrial area, automatically, it will be excluded from the purview of excess land and the said land, for all practical purpose, should be construed as industrial land.



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2.2 Thus, the learned counsel for the petitioner in sum and substance would submit that the subject land does not even fall within the purview of the excess land, however, in order to buy peace, the petitioner has come forward to exchange the land for the glr value of Rs.70% per sq.ft. as that was fixed in the case of one M/s.H.& R. (India) Pvt. Ltd., so that in future, there will not be any attempt to avoid unnecessary, transfer of interest, but, the second respondent, without taking into consideration of all these aspects, rejected the petitioner's application. and hence, the learned counsel prays for setting aside the impugned order.

3. Per contra, the learned Additional Government Pleader for respondents would submit that initially belongs to one Muthukumarasamy Pillai; that as per the Final Statement published by the Authorised Officer, in Form 10 under Section 11 of the Act dated 16.04.2001, the said Muthukumarasamy had an excess land, however, the said Muthukumarasamy and his legal heirs, contrary to the provisions of the Section 22 (1) of the Act, without obtaining any permission from the Authorities, sold most of the retention and surplus portion of the lands held by them during the pendency of the land ceiling proceedings to various



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persons, which includes the petitioner's vendor, one Jemila, from whom, the petitioner has purchased the subject land vide two registered sale deeds dated 19.10.2001; that though the petitioner seeks for retention of the land by stating that the land has been purchased with an intention to establish an industrial unit, and sought for extension of the benefit granted to M/s.H &R Johnson Ltd, Karaikal, (who is also one of the innocent purchasers from the said T. Ramanathan) who made representation expressing their willingness to exchange an equal extent land out of the other lands owned by them, in lieu of the land covered under the Land Ceiling Proceedings, and cited the order passed by this Court in W.P.No.3641 of 2003, dated 14.08.2019, wherein, a direction was issued to the Government of Puduchery to consider the representation of M/s.H &R Johnson Ltd, Karaikal, pursuant to which,, the representation made was considered and the respondent has submitted a proposal on 13.05.2025 to the Government of Puducherry for approval towards taking over alternative land and the same is pending under consideration.

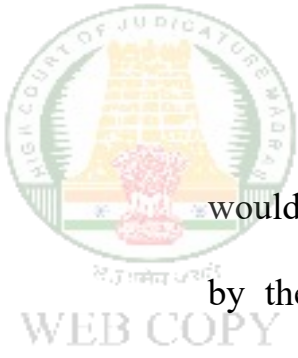
3.1 Therefore, it is contended that as has been done recently in the instance of M/s.H.& R. Johnson Ltd., Karaikkal, the respondents are fully



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ready and willing to accept the proposal from the petitioner herein for the offer of alternative land equal in extent to the surplus land held by the petitioner, as per the provisions contained in Section 22 (2) (a) of the Act, however, since there is no provision under the Act, which would enable the respondents to release the land held by the petitioner from the land ceiling proceedings upon deposit of the GLR value of the land, the petitioner's representation was rejected.

3.2 The learned Additional Government Pleader further submits that though it is the contention of the learned counsel for the petitioner that Industrial Policy was issued by the Government of Puducherry, in the year, 1997, and by virtue of the said Policy, the petitioner's land has to be construed as an industrial land and has to be excluded from the purview of excess land, even for seeking such exemption, the respondents fixed the time limit for the land owners to seek approvals and get clearances from various Authorities and only after getting such approvals and clearances, the land will be considered as industrial area and the exemption would be applicable to those landowners; that so far as the present case is concerned, though the petitioner claims that the subject land is declared as an Industrial Land, it



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would be construed as such, only when proper approval has been obtained by the petitioner to seek such exemption; that the learned Government Pleader also, referred to clause 19.9 of the Industrial Policy, which prescribes time limit, within which period, the Authorities are supposed to issue licence, registration, certificate etc..

3.3 Therefore, it is contended that in terms of clause 19.9 of the Industrial Policy, a mandate is fixed for the Government Officials to declare particular land as industrial area, once, the Policy is issued describing the particular land, as industrial area, the same would be considered as industrial area and any other activities carried for the purpose, other than, the land is meant/identified for, would be barred. The learned Additional Government Pleader would submit that till the Industrial Policy is completely implemented, then, petitioner should carry only the agricultural activities, in the event, if the petitioner intends to set up an industrial unit, they can very well set up the same and there is no need for further conversion of the land as industrial area. Thus, by averring so, the learned Government Pleader prays for appropriate orders.



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4. I have given due considerations to the submissions made by Mr.V.Manohar, learned counsel appearing for the petitioner and Mr.R.Sreedhar, learned Additional Government Pleader for the respondent and perused the materials placed on record.

5. The undisputed facts are as follows:-

i) The petitioner purchased the subject land from one Jemila vide two registered sale deeds dated 19.10.2001. After purchase of the said land, the petitioner came to know that there was a land ceiling proceedings against one Muthukumarasamy Pillai and his sons, T.Ramanathan and others, who were the original vendors of the petitioner's vendor, Jemila. Therefore, the petitioner made a request for retention of his land against the other lands held by the said T.Ramanathan and others.

ii) The petitioner also relied on the order passed by this Court in a Writ Petition filed by T.Ramanathan, in W.P.No.3641 of 2003 dated 14.08.2019, wherein, the Government of Puducherry was directed by this Court to consider application/representation made by M/s.H.& R. Johnson Ltd. (one of the innocent purchasers of the land from the said T.Ramanathan)



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who expressed their willingness to exchange the land in lieu of lands acquired. The petitioner also sought for extension of the benefit granted to M/s.H.& R. Johnson (Ltd.,) by this Court vide order dated 14.08.2019 and made representation in that regard. The said representation evoked no response, the petitioner filed W.P.No.19280 of 2021, which was disposed of by this Court vide order dated 21.12.2021, to consider the petitioner's representation dated 17.07.2021 within a specified time, in the light of the order passed in W.P.No.3621 of 2003 dated 14.08.2019. Thereafter, the petitioner made a representation along with a copy of the order passed in W.P.No.19280 of 2021; pursuant to which, the second respondent passed an order dated 23.02.2023, stating that there is no provision to release the acquired surplus lands belonging to the Government either on exchange in lieu of lands or on payment of the amount equivalent to the land. Hence, the present Writ Petition.

6. Admittedly, the petitioner's land falls under the category of 'excess land', as per the Final Statement published by the Authorized Officer, in Form-10 under Section 11 of the Puducherry Land Reforms (Fixation of Ceiling of Land) Act, 1973 vide Gazette No.57 of 2001 dated 16.04.2001. It



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is to be noted that by virtue of Final Statement dated 16.04.2001, the lands held by one Muthukumarasamy Pillai and his legal heirs fall under the category of 'Excess land'. However, contrary to the provisions of the Section 22 (1) of the Act, such excess land were sold out to certain innocent purchasers. Thus, it is from one such innocent purchaser, viz., Jemila, the petitioner purchased the subject land by virtue of registered sale deeds dated 19.08.2001.

6.1 Further, it has to be noted that subsequent to the issuance of the Draft Statement dated 08.01.1980, the respondent, Government of Puducherry also issued an Industrial Policy, in the year 1997, wherein, the petitioner's land, in S.No.135 was declared as industrial area. Thus, it is clear that though Draft Statement was issued by the Authorized Officer, wherein, the petitioner's land was declared as an excess land, however, due to the delay in issuance of the Final Statement, which was issued in the year 2001, and in the interregnum, an Industrial Policy was issued by the Government of Puducherry, in the year 1997 declaring the petitioner's land as an industrial land, the petitioner's land does not fall within the purview of the excess land and in terms of Section 23 of the said Act, over and above



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the land specified under Industrial Policy as industrial land, if any excess land holders, other than the Industrial area as declared in the Policy, shall make an application seeking for exclusion of his land from the purview of the excess land, in the event, if the said excess land holders intend to use the same for non-agricultural purposes.

6.2 At this stage, it would be apposite to refer to Section 23 of the Puducherry Land Reforms (Fixation of Ceiling on Land) Act, 1973, which reads as follows:

“23. If any industrial or commercial undertaking desires to hold or acquire any land in excess of the ceiling area for non-agricultural purposes, it shall make an application to the Government for permission to hold or acquire such land and every such application shall be in writing and shall contain such particulars as may be prescribed”.

6.3 A reading of the above provision would make it clear that in the event, if the petitioner's excess land is intended to be used for the industrial purpose situated outside the industrial area declared in the industrial policy, the petitioner has to make application for the purpose of using the land as industrial land so as to exclude the same from the purview of the Land Ceiling Proceedings.

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6.4 A further reading of the said provision also makes it clear that industrial undertaking can decide to hold the excess land in the event, if they have any intention to use the land for the commercial activities. Simultaneously, the said provisions also enables the said Industrial Undertaking to acquire any land in excess of the ceiling area for non-agricultural purpose.

6.5 In view of the above, it is clear that the Industrial Policy was issued by the Puducherry Government to permit the excess land holders to convert the agricultural land into non-agricultural land. A reading the provisions of Section 23 of the Puducherry Land Reforms (Fixation of Ceiling on Land) Act, 1973, makes it clear that the following two situations would arise for such conversion:

i) If the excess land holder, who is running industries or commercial undertakings, desire **to hold any land**, he has to make an application to the Government for permission for holding it as industrial or commercial undertaking, so as to exclude it from purview of ceiling.

ii) If the excess land holder is intended **to acquire any land** for the industrial or commercial activities, the same



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shall also be excluded from the purview of ceiling, for which, an application is required to be made to the Government.

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6.6 By deeply analysing the said provisions, it comes to light that the aforesaid two situations would come into picture only when an agricultural land is situated outside the purview of the industrial lands. Once the lands are declared as industrial lands vide the Industrial Policy, the approval, to exclude the said lands from the purview of ceiling, is automatic to the respective land owners. In such case, the question of making an application for such exclusion of those lands from the purview of ceiling would not come into picture.

6.7 On the other hand, the provisions of Section 23 enables a person to make applications, pertaining to the lands, which were not mentioned/notified in the Industrial Policy. Such applications is supposed to be made before the issuance of final statement.

6.8 In this case, the final statement was issued on 16.04.2001 and draft assessment was issued in the year 1980. When such being the case, if any



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land is not mentioned or notified vide the Industrial Policy, an application shall be made by the concerned parties for the purpose of excluding it from the purview of ceiling and utilising it for any non-agricultural/industrial/commercial purposes. However, the said exercise is supposed to be carried out in-between the issuance of draft statement and final statement, i.e., between 1980 and 2001.

6.9 However, if a land is mentioned/notified as industrial land vide the Industrial Policy, there will not be any requirement for either obtaining any approval or making any application. As stated above, such notification will result in automatic approval for the respective lands and hence, there is no need to once again approach the Authority concerned to notify/declare it as industrial land.

6.10 In this case, the petitioner's land, bearing Survey No.135, is very well situated in the industrial area and it was also notified/mentioned in the Industrial Policy as industrial land. Therefore, the question of obtaining any approval to declare the said land as industrial land will not come into picture.



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6.11 Upon perusal, it appears that the petitioner had purchased the subject land through sale deed dated 19.10.2001, whereas, the petitioner's vendor had purchased the land vide sale deed dated 13.04.1994. In such case, the subject land should have been purchased from the excess land owner by the petitioner's vendor. Subsequently, the said land was declared as industrial land prior to the issuance of final statement, by which, it was excluded from the purview of the land ceiling. Thereafter only, the petitioner purchased the subject land on 19.10.2001. When such being the case, it is very clear that the petitioner had purchased the subject land, which was already declared as industrial land vide Industrial Policy as industrial land and thus, there is no requirement for the petitioner to obtain any approval and the question of land ceiling would not come into picture at all.

7. Therefore, I do not find any requirement on the part of the petitioner to pay glr value in respect of the land held by him, as, the same does not fall within the purview of the land ceiling proceedings. Though it is brought to the notice of this Court that the value of the land was fixed as Rs.70/- per sq.ft., since the subject land was declared as an industrial land, it is bounden duty of the respondents to fix its value, as per the value



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mentioned in the Industrial Policy issued by the Government of Puducherry
in the year 1997.

8. Therefore, in such view of the matter, impugned order cannot be
given effect to, in either way, due the aforesaid findings of this Court.

9. In the result, the Writ Petition is allowed, the impugned order is
quashed. No costs. Consequently, connected Miscellaneous Petition is
closed.

25.11.2025

sd

Index : yes/no

Neutral Citation : yes/no

To

- 1 The Chief Secretary
Government of Puducherry, Puducherry.
- 2 Deputy Collector(Revenue)-Cum- Authorised Officer
(Land Reforms) Karaikal,
Government of Puducherry Karaikal.



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Krishnan Ramasamy,J.,

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