



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2025

CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Writ Petition No.17418 of 2022

1.Ranjith

2.Dr.Ravikumar

.... Petitioners

-Vs-

1.The Commissioner of Land Reforms
Chepauk
Chennai 600 005.

2.The Assistant Commissioner
Land Reforms
Chepauk
Chennai 600 005.

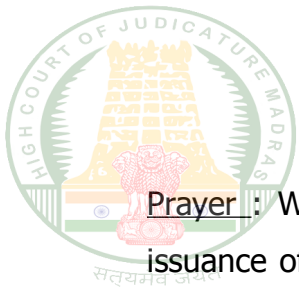
3.The Revenue Divisional Officer
Dharampuram, Kangeyam Erode Road
Tiruppur District 638657.

**(R3 Cause title amended as per order dt.11.03.2025
in WMP.9894/2025 in WP.17418/2022 by NAVJ)**

4.The Tahsildar
Dharapuram Taluk
Tirupur District-638656.

5.The Tahsildar
Kangeyam Taluk
Tirupur District-638701.

.. Respondents



Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, seeking to quash the order passed by the 3rd respondent vide letter bearing no.1811/2016/A1 dated 05.04.2022 and consequently direct the respondents to remove the surplus land entry made in the revenue records of the petitioners lands and incorporate petitioners names in Old S.F. Nos.1072, 1073, 1105 (New R.S.F. Nos. 1072 1A, 1B, 1C, 1D, 1E, 1073/2B, 2A totally 2 Acres, 1086/1 totally 2.36 Acres, 1091/2, 1093, 1094/2, 1096/2, 1097, 1099/1, 1105 1A, 1B, 1C, 1D, 1E 1F, 1G, 1H, totally 8.04 acres situated in Mudalipalayam, Kangeyam Taluk, Tiruppur District and old S.F.Nos. 40, 41, 47, 48, 49, 64A, 69, 67, 68 (New R.S.F Nos.39/2, 46/1B1 64/2, 66/2 68/2) situated in Kolumanguli Village, Darapuram Taluk Tiruppur District and direct the 4th and 5th respondents to grant patta in favour of the petitioners in accordance with the order dated 08.12.1974 in LTA No.382 of 1973 passed by the land Tribunal, Coimbatore within a time frame to be fixed by this Court.

For Petitioners : Mr.V.Ramesh
for V.Jai Bharath

For Respondents : Mr.A.Selvendran
Special Government Pleader
for R1 to R5

ORDER

The writ petition was filed challenging the proceedings of the Authorised Officer/RDO, Tambaram dated 05.04.2022 and for a consequential direction to the respondents to delete the entries made in the revenue records as surplus lands and incorporate the name of the petitioners with respect to the survey numbers identified totalling 8.04 acres in Mudalipalayam, Kangeyam Taluk and other survey numbers



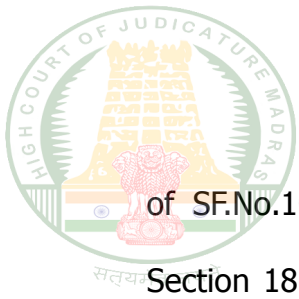
situated at Kolumanguli Village, Darapuram Taluk and direct the 4th and 5th respondents to grant patta in favour of the petitioners.

WEB COPY

2.Heard Mr.V.Ramesh, learned counsel for the petitioners and Mr.A.Selvendran, learned Special Government Pleader for respondents.

3.Proceedings were initiated under the Tamil Nadu Land Reforms Act, 1961 and the owner of the property Veeramuthu who is the grandfather of the 1st petitioner and the father of the 2nd petitioner sought for exemption of certain extent of land. The authorised officer rejected the said claim. Aggrieved by the same, an appeal was filed before the Land Tribunal, Coimbatore in Land Tribunal Appeal No.282 of 1975. The Land Tribunal considered the claim made by the original owner and also the report submitted by the Commissioner appointed by the Tribunal. The Tribunal found that except for the lands situated in the southern half of S.F.No.1086 and the entire extent of land in S.F.No.1087, all the remaining lands were held to be uncultivable. Accordingly, except the entire extent of SF.No.1087 and the southern half of SF.No.1086, exemption was granted for all the other lands. It is stated that this order passed by the Land Tribunal has become final.

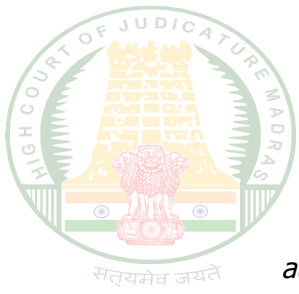
4.In the light of the above order passed by the Land Tribunal, the lands which were identified to be excess on the southern half of SF.No.1086 and the entire extent



of SF.No.1087 must have been proceeded further for issuing a notification under Section 18(1) of the Act. However, it is alleged that the assignment was granted in the lands that were exempted and the assignees also took possession of the lands. In short, whatever lands were identified as the retainable portion was assigned to third parties.

5.The learned counsel for the petitioners submitted that the petitioners are not intending to interfere with the possession and enjoyment of the lands that have been assigned. To substantiate the same, the learned counsel relied upon the additional affidavit filed by the 1st petitioner and paragraphs 6 and 7 of the additional affidavit are extracted hereunder:

6.It is submitted that the lands referred to in page 28 of additional typeset-II have been declared as excess land and some lands have been assigned to third parties. The lands excluded under Section 73 and referred to in the order dated 08/12/1974 have been assigned to third parties which assignment is improper. The assignment of lands which fell within the holding of the land owner having been assigned to 3rd parties have to be set aside now. However, the official respondents who have declared the lands in the southern half of S.F.No.1086 and entire land as in 1087 as excess land after excluding 15 standard acres as retainable portion should have assigned the excess land to 3rd parties. The lands which are declared as excess referred to in page 33 of the additional typed set should have been the lands assigned. However, these lands remain as such.



WEB COPY

7.It is submitted that, in view of the irregularities committed by the authorities in wrongly assigning the lands to which we are entitled, the respondents may be directed to permit the petitioners to obtain Patta equivalent to the extent wrongly assigned from and out of the lands declared as excess lands. Only in this context, a request was made by the petitioner to grant Patta for certain lands referred to in their representation dated 21.03.2015, 20.10.2015, 21.04.2016. Therefore, the respondents shall be directed to compensate the petitioner to the extent of land which have been wrongly assigned to 3rd parties by granting Patta to the petitioner of the lands declared as excess without disturbing the assignee's interest. Therefore, revised notification under section 18(1) may be directed to be published and thereafter the names of the petitioners may be mutated accordingly. The relief sought for in the writ petition may be, therefore be suitably moulded and thus render justice.

6.The learned counsel for the petitioners submitted that instead of going into the validity or otherwise of the subsequent notification issued, the authorised officer can be directed to identify the extent of retainable portion of lands that have been assigned and to set-off the same in the lands which were identified as excess in SF.No.1087 and the southern portion of SF.No.1086. It was submitted that if this exercise is conducted, the petitioners will not be deprived of their lands and at the same time, the settled possession of the assignees need not be disturbed.



WEB COPY

7. In the considered view of this Court, a viable solution must be arrived at instead of complicating the issue any further. This is in view of the fact that the proceedings are going on from the year 1973 onwards and at some stage it has to come to an end without adversely affecting the rights of any of the parties. Hence, it will be more appropriate to direct the authorised officer/RDO, Dharapuram, to undertake the exercise of identifying the extent of lands which are in possession of the assignees in the retainable portion of lands which was declared by the Land Tribunal in Coimbatore in Land Tribunal Appeal No.282 of 1975 by order dated 08.12.1974. After ascertaining the extent of land in which the assignees are in possession and enjoyment, the same can be set-off in the lands that were identified as excess in SF.No.1087 and the southern portion of SF.No.1086. These lands can be carved out and the possession can be handed over to the petitioners. If this is done, both the petitioners as well as the assignees will be able to enjoy their respective lands without causing any further confusion. This Court is impelled to give such a direction since the proceedings of the land Tribunal, Coimbatore in Land Tribunal Appeal No.282 of 1975, dated 08.12.1974 has become final.

8. In the light of the above discussion, the writ petition is disposed of with a direction to the Authorised Officer/Revenue Divisional Officer, Dharapuram, to call the petitioners for an enquiry and proceed further in line with the observations made in



this order and pass appropriate orders in accordance with law within a period of twelve weeks from the date of receipt of copy of the order.

WEB COPY

9.This writ petition is disposed of with the above directions. No costs.

11.03.2025

Index : Yes/No

NCS : Yes/No

KP

To

- 1.The Commissioner of Land Reforms
Chepauk
Chennai 600 005.
- 2.The Assistant Commissioner
Land Reforms
Chepauk
Chennai 600 005.
- 3.The Revenue Divisional Officer
Dharampuram, Kangeyam Erode Road
Tiruppur District 638657.
- 4.The Tahsildar
Dharapuram Taluk
Tirupur District-638656.
- 5.The Tahsildar
Kangeyam Taluk
Tirupur District-638701.



WEB COPY



N.ANAND VENKATESH, J.

KP

Writ Petition No.17418 of 2022

11.03.2025